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2. This, altho' it be not properly homicide, nor punishable as a crime, yet is taken notice of by the law, as far as the nature of the thing will bear, in order to raise the greater abhorrence of murder: And the unhappy instrument or occasion of such death, is called a *deodand* (*deo dandum*), and forfeited to the king, to be disposed of to pious uses by the king's almoner; as also are all such weapons whereby one man kills another. 3 *Inst.* 57. 1 *Haw.* 66.

3. It seems clearly settled, contrary to the former opinions, that a horse, or the like, killing an *infant* within the age of discretion, is as much forfeited as if he were of age. 1 *Haw.* 66.

4. Also, it was anciently holden, that things *fixed to a freehold*, as the wheel of a mill, or a bell hanging in the steeple, may be deodands; but by the latter resolutions they cannot, unless they were severed before the accident happened. 1 *Haw.* 66.

5. It is agreed by all, that a *ship* in salt water, from which a man falls and is drowned, is not forfeited, because persons at sea are continually exposed to so many perils, that the law imputes not such misfortunes to the ship. Also it seems clear, that when a man riding on a horse over a river, is drowned thro' the violence of the stream, the horse is not forfeited, because not that, but the water caused his death. But it is said, that a ship, by a fall from which a man is drowned, in the fresh water, shall be forfeited, but not the merchandize therein; because they no way contribute to his death. And by the same reason it seems, that if a man riding on the shafts of a waggon, fall to the ground and break his neck, the horses and waggon only are forfeited, and not the loading, because it no way contributed to his death; for which cause, where a thing not in motion causes a man's death, that part thereof only, which is the immediate cause, is forfeited. As where one climbing upon the wheel of a cart, while it stands still, falls from it, and dies of the fall, the wheel only is forfeited: But if he had been killed by a bruise from one of the wheels being in motion, the loading also would have been forfeited, because the weight thereof made the hurt the greater; and it is a general rule, that wherever the thing which is the occasion of a man's death is in motion at the time, not only that part thereof which immediately wounds him, but all things which move together with it, and help to make the wound more dangerous, are forfeited also. 1 *Haw.* 66.

6. Thus a cart met a waggon loaded upon the road, and the cart endeavouring to pass by the waggon, was driven upon an high bank and overturned, and threw a person that was in the cart, just before the wheels of the waggon, and the waggon ran over him and killed him; it was resolved in this case, that the cart, waggon, loading, and all the horses were deodands, because they all moved to the death. 1 *Salk.* 220.

7. If a weight of earth fall upon a worker in a mine, and kill him; the weight of earth is forfeit, and not the whole mine. 1 *H. H.* 420.

8. In all these cases, if the party wounded die not of his wound, within a year and a day after he received it, there shall be nothing forfeited; for the law doth not look on such a wound as the cause

of a man's death, after which he lives so long: But if the party die within that time, the forfeiture shall have relation to the wound given, and cannot be saved by any alienation or other act whatsoever in the mean time. 1 *Haw.* 67.

9. However nothing can be forfeited as a deodand, nor seized as such, till it be found by the coroner's inquest to have caused a man's death; but after such inquisition, the sheriff is answerable for the value of it, and may levy the same on the town where it fell, and therefore the inquest ought to find the value of it. 1 *Haw.* 67.

10. And if the coroner omits his duty in this case, the inquisition may be made by the commissioners of gaol delivery, oyer, and terminer, or of the peace. 1 *H. H.* 419.

Dice. See Stamps.

Dissenters.

I. Protestant dissenters exempted from certain penalties by the act of toleration.

II. Protestant dissenters intitled to certain privileges by the act of toleration.

III. Laws against dissenters not altered by the act of toleration.

IV. Laws relating to protestant dissenters made since the act of toleration.

I. Protestant dissenters exempted from certain penalties by the act of toleration.

1. **A**S to all protestant dissenters in general. Against whom the seven following statutes have been enacted:

(1) By the 1 *El. c. 2. s. 14.* Every person not having reasonable excuse, shall resort to their parish church or chapel, or upon reasonable let thereof, to some usual place where common prayer shall be used, on every Sunday and holiday; on pain of punishment by the censures of the church, or of forfeiting for every offence 12 *d.*

(2) By the 23 *El. c. 1.* Every person above the age of 16, who shall not repair to some church, or chapel, or usual place of common prayer, shall forfeit for every month 20 *l.* And if he shall forbear for 12 months he shall be bound to the good behaviour till he conform.

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1. The first part of the document is a list of names and dates, which appears to be a record of some kind. The names are written in a cursive script, and the dates are in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column. The names are: John, Mary, James, Elizabeth, William, and Sarah. The dates are: 1790, 1791, 1792, 1793, 1794, and 1795. The list is followed by a section of text that is also written in cursive. This text appears to be a description of the events that took place during the year 1790. It mentions the birth of a child, the death of a child, and the marriage of a couple. The text is written in a simple, straightforward style, and it is easy to read. The document is a good example of the type of records that were kept in the early years of the United States. It is a valuable source of information for historians and genealogists. The document is a good example of the type of records that were kept in the early years of the United States. It is a valuable source of information for historians and genealogists.

And if any person shall keep a schoolmaster, who shall not repair to church, or be allowed by the bishop, he shall forfeit 10*l.* a month, and the schoolmaster shall be imprisoned for a year.

(3) By the 29 *El. c. 6.* Every offender in not repairing to church, having been once convicted, shall without any other indictment or conviction, pay half yearly into the exchequer 20*l.* for every month afterwards, until he conform; which if he shall omit to do, the king may seize all his goods, and two parts of his lands.

(4) And by 1 *J. c. 4.* The king may refuse the 20*l.* a month, and take two parts of the land, at his option.

And any person retaining or keeping in his house any servant, or other, who shall not repair to church, shall forfeit 10*l.* a month.

(5) And by the 1 *J. c. 5.* No recusant in not repairing to church, being convicted thereof, shall enjoy any publick office, or shall practise law or physick, or be executor, administrator, or guardian.

And if any persons shall send their children over seas for education, they shall forfeit 100*l.* and such child be disabled to inherit, or take any benefit by gift, conveyance, or devise.

(6) And by the 35 *El. c. 1.* If any person refusing to repair to church, shall be present at any assembly, meeting, or conventicle, under pretence of any exercise of religion, he shall be imprisoned till he conform; and if he shall not conform in three months, he shall abjure the realm; which if he shall refuse to do, or after abjuration shall not go, or shall return without licence, he shall be guilty of felony without benefit of clergy. And whether he shall abjure or not, he shall forfeit his goods, and shall forfeit his lands during life.

(7) And by the 22 *C. 2. c. 1.* If any person, being sixteen years of age, shall be present at any conventicle or meeting, under pretence of any exercise of religion, in other manner than according to the liturgy and practice of the church of *England*, at which there shall be five persons or more assembled, besides those of the household, if it be in an house where there is a family; or if it be in a house, field, or place, where there is no family, then where any five persons or more are so assembled,—every justice of the peace before whom information shall be made, shall (on pain of 100*l.* half to the informer) on proof by confession, or oath of two witnesses, or the notorious evidence of the fact, make a record thereof (which shall be afterwards certified to the sessions), which record shall be a full conviction: Whereupon he shall impose upon every offender a fine of 5*s.* for the first offence, and for every other offence 10*s.* to be levied by distress and sale of the goods of the offender, or in case of the poverty of such offender, upon the goods of any other person then convicted of the like offence, so as the sum to be levied on any one person in case of the poverty of other offenders amount not in the whole to above 10*l.* on occasion of any one meeting; one third to the king, one third to the poor, and one third to the informer and to such persons as the justice shall ap-

point, having regard to their diligence in discovering, dispersing, and punishing of the said conventicles.

And every person who shall suffer any such meeting in his house, outhouse, barn, or backside, shall forfeit 20*l.* in like manner; and in case of his inability, it shall be levied on the goods of such persons who shall be convicted of being present.

If the penalty exceeds 10*l.* an appeal lies to the sessions. And if the party is there found guilty by a jury, he shall pay treble costs. And no other court whatsoever shall intermeddle, but the quarter sessions only.

And justices and constables may with what force they think fit, upon refusal to open, break open doors where they shall be informed such conventicle is, and take the offenders into custody. And on certificate from any justice of the peace of his particular information or knowledge of such unlawful meeting, and that he is not able, with such assistance as he can get, to suppress the same; any commissioned officer of the militia, or other his majesty's forces, with such troops or companies of horse and foot, and also the sheriff, and other ministers of justice, with such other assistance, as they shall think meet, or can get in readiness with the soonest, shall repair to the place, and by the best means they can, shall dissolve, dissipate, and prevent such meeting, and take the offenders into custody.

Thus stood the laws at the revolution.

Now by the aforesaid act of toleration, made in the first year of *William and Mary*, it is enacted, that neither the statutes aforesaid, nor any other made against papists and popish recusants (except the statutes of the 25 *C. 2. c. 2.* and the 30 *C. 2. §. 2. c. 1.* hereafter mentioned) shall extend to any person dissenting from the church of *England*, who shall be qualified in the manner following;

(1) They shall at the general sessions of the peace, take the oaths of allegiance, supremacy, and abjuration (1 *G. c. 13*).

(2) They shall also there make and subscribe the declaration of the 30 *C. 2. §. 2. c. 1.* against popery.

(3) The place of meeting shall be certified to the bishop of the diocese, or to the archdeacon of the archdeaconry, or to the justices of the peace at the general or quarter sessions, and registred in the said bishop's or archdeacon's court, or recorded at such sessions. And the register, or clerk of the peace, shall register or record the same, and give certificate thereof to any who shall demand it, for which no more shall be taken than fixpence.

(4) The doors of the place where they meet shall not, during such time of their meeting, be locked, barred, or bolted.

(5) They shall not in writing deny the doctrine of the blessed trinity.

2. What hath hitherto been observed, *regardeth all protestant dissenters in general. There are besides certain other laws, which concern

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3. The third part of the book is a
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6. The sixth part of the book is a
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 investigation.

concern their *teachers and preachers only*. Which are these three that follow ;

(1) By the 17 C. 2. c. 2. No person, who shall take upon him to teach or preach in any meeting or conventicle, under pretence of any exercise of religion, shall, unless only in passing upon the road, or unless required by legal process, come within five miles of a city, town corporate, or borough ; nor shall be schoolmaster, or take any boarders or tablers to be instructed by himself or any other, without taking an oath of allegiance therein mentioned, on pain of 40 *l.* one third to the king, one third to the poor, and one third to him who shall sue in the courts at *Westminster*, assizes, or sessions. And two justices, on oath of the offence, may commit them for six months.

(2) And by the 22 C. 2. c. 1. If any person shall take upon him to preach or teach in any meeting or conventicle, in other manner than according to the practice of the church of *England*, he shall forfeit for the first offence 20 *l.* and for every other offence 40 *l.* And if he be a stranger, or in the judgment of the justice of the peace before whom he is convicted, unable to pay, it may be levied on the goods of any person present.

(3) And by the 13 & 14 C. 2. c. 4. s. 14. No person shall presume to consecrate and administer the sacrament before he be ordained priest, according to the form and manner of the church of *England*.

Now by the aforesaid act of toleration, it is provided, that no person dissenting from the church of *England*, in holy orders, or pretended holy orders, or pretending to holy orders, nor any preacher or teacher of any congregation of dissenting protestants, shall be liable to any of the aforesaid penalties, who shall be qualified as follows :

(1) He shall at the sessions take the oaths aforesaid.

(2) He shall there make and subscribe the declaration of the 30 C. 2. s. 2. c. 1.

(3) He shall there also declare his approbation of, and subscribe the 39 articles, except the 34th, 35th and 36th (concerning the quality, examination, and subscription of such as are to be made ministers), and except these words of the 20th article, *viz.* [*the church hath power to decree rites or ceremonies, and authority in controversies of faith, and yet*] : All which shall be entred of record in court ; for which the clerk of the peace shall have 6 *d.* and no more.

(4) The place for worship shall be certified as before.

(5) The doors of the place, where he shall preach or teach, shall not be locked, barred, or bolted.

(6) He shall not deny, in his preaching or teaching, the doctrine of the blessed trinity.

3. Furthermore, there are besides the aforesaid general laws, certain other penal laws, affecting the *quakers* in particular : namely, these two ;

(1) By the 5 *El. c. 1.* If any person shall refuse to take the oaths of allegiance and supremacy, duly tendred, he shall incur a *præmunire*.

(2) And by the 13 & 14 *C. 2. c. 1.* If any person, who shall maintain that the taking of an oath is unlawful, shall refuse an oath duly tendred, he shall forfeit a sum not exceeding 5 *l.* for the first offence, 10 *l.* for the second, and for the third shall abjure the realm or be transported.

But now by the act of toleration, quakers shall be discharged of the penalties of these laws, and of all others made against popish recusants, or protestant non-conformists, and shall enjoy all other benefits, under the like limitations, which any other dissenters enjoy, on their qualifying themselves in the same manner as other dissenters; except that instead of the oaths at sessions, they shall be allowed to make and subscribe a declaration of fidelity, and take the effect of the abjuration oath, and to subscribe a profession of their christian belief (all of which are inserted under title *Oaths*.)

4. And as to *anabaptists* in particular, it is enacted by the said act of toleration, that whereas some dissenting protestants scruple the baptizing of infants,—Every person in pretended holy orders, or pretending to holy orders, or preacher, or teacher, that shall take the oaths, and make and subscribe the declaration, and subscribe the 39 articles, except as in the case of other dissenting teachers as before, and except also part of the 27th article touching infant baptism, shall enjoy the same privileges as other dissenting teachers.

II. Protestant dissenters intitled to certain privileges by the act of toleration.

Besides the exemption from penalties, his majesty's protestant subjects are by the act of toleration intitled to certain privileges: which are of two kinds; 1. Such as concern all protestant dissenters in general. 2. Such as concern their teachers in particular.

1. As to all *protestant dissenters in general*.——They shall not be *prosecuted in any ecclesiastical court, for or by reason of their not conforming to the church of England*.——But this shall not exempt them from paying of tithes, or other parochial duties, or any other duties to the church or minister, nor from any prosecution in any ecclesiastical court, or elsewhere, for the same.

Since this act, Mr. *Hawkins* observes from 3 *Lev.* 376. a prohibition will lie to the spiritual court proceeding against persons for incontinency, who have been married in a licensed conventicle. The case was this; Two persons, who were published and married in a conventicle, were afterwards libelled against in the spiritual court, for incontinence and fornication; and upon moving for a prohibition, time was assigned to shew cause why it should not go, and the proceedings in the ecclesiastical court were stayed in the mean time. Afterwards, it was agreed that a prohibition should

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should be granted, and that the plaintiff should declare; that so, upon demurrer, the point might be tried. But what the judgment was, or whether the cause proceeded to trial, doth not appear by the report. *Cod. 617.*

Mr. *Hawkins* likewise observes (1 *Haw. 12.*) that it having been doubted whether dissenting schoolmasters, as such, were exempted by the toleration act from the penalties inflicted upon them in the several acts against dissenters, it was farther enacted by the 12 *An. c. 7.* that whoever shall keep any school or seminary, or teach any youth as tutor or schoolmaster (unless he instruct them only in reading, writing, arithmetick, or such mathematical learning as relates to navigation, or some mechanical art, and that in the *English* tongue) without having first subscribed the declaration of the 13 & 14 *C. 2.* relating to conformity with the church of *England*, and without a licence from the bishop, he shall be imprisoned for three months. But this was repealed by the 5 *G. c. 4.* So that the doubt is left where it was.

Mr. *Sharv* in his parish law, p. 68. says, it is held (but doth not say by whom) that dissenters by the act of toleration are not exempted, either from the penalties of the 1 *J. c. 4.* or of the 13 & 14 *C. 2. c. 4.* against teaching a school without licence from the bishop.

In the case of *K. and Davison, T. 12 W.* as reported both by *Salkeld* and *L. Raymond, Davison*, a quaker, on an *habeas corpus* upon a writ of *excommunicato capiendo*, for teaching school without licence, was admitted to bail, till it should be determined whether this was an offence. But it it doth not appear from either of those reports, what was the determination. 1 *Salk. 105.* *L. Raym. 603.*

Upon the whole, it seemeth somewhat strange, that in a case of so much importance as is the education of children, this matter during the space of so many years hath not yet been settled beyond all doubt.

Moreover; If any person dissenting from the church of *England*, shall be appointed to the office of high constable, petit constable, churchwarden, overseer of the poor, or any other parochial or ward office, and such person shall scruple to take upon him any of the said offices in regard of the oaths, or any other matter or thing, required by the law to be taken or done, in respect of such office, every such person shall and may execute such office by a sufficient deputy by him to be provided, that shall comply with the laws on this behalf. Provided, that the deputy be allowed and approved by such persons, and in such manner, as such officers should by law have been allowed and approved.

2. *As to their teachers or preachers.*—Every teacher or preacher, in holy orders, or pretended holy orders, that is a minister, preacher, or teacher of a congregation, that shall take the oaths, and subscribe the declaration and articles as aforesaid, shall be thenceforth exempted from serving upon any jury, or from being chosen or appointed to bear the office of churchwarden, overseer of the poor, or any other parochial or ward office,

or other office in any hundred, city, town, parish, division, or wapentake.

But this seems clearly not to extend to *quaker* teachers or preachers; for they are neither in *holy orders*, nor *pretended holy orders*. It is true, by a subsequent statute of the 7 & 8 W. quakers are exempted from serving on *juries*; but neither by that, nor any other act, are any quakers exempted from serving the office of churchwarden, overseer of the poor, or other parochial or ward office, by themselves, or a sufficient deputy to be by them provided.

III. *Laws against dissenters not altered by the act of toleration.*

1. No clause in the toleration act shall give any ease or benefit, to any popish recusant; or to any that shall deny in preaching or writing the doctrine of the trinity. 1 W. c. 18. s. 17.

And every justice of the peace may at any time require any person that goes to any meeting for the exercise of religion, to make and subscribe the said declaration, and to take the said oaths (or if quakers, the declaration of fidelity); and upon refusal thereof, such justice shall commit such person to prison; and shall certify his name to the next sessions; and if he shall refuse again to make and subscribe the declaration there, he shall be taken for a popish recusant convict, and suffer accordingly. *id.* s. 12.

2. The toleration act shall not extend to the statute of the 25 C. 2. c. 2. which requires, that all persons in office shall receive the sacrament, according to the usage of the church of England.

3. The toleration act shall not extend to the statute of 30 C. 2. s. 2. c. 1. which disables persons from sitting in either house of parliament, or coming to court, who shall not subscribe the declaration therein mentioned, against popery.

IV. *Laws relating to protestant dissenters, made since the act of toleration.*

1. If any person, dissenting from the church of England (not in holy orders, or pretended holy orders, or pretending to holy orders, nor any preacher or teacher of any congregation) who should have been intitled to the benefit of the toleration act, if he had duly taken, made, and subscribed the oaths and declaration, or otherwise qualified himself as required by the act, shall be prosecuted on any of the penal statutes, from which protestant dissenters are exempted by the said act,—shall at any time during such prosecution, take, make, and subscribe, the said oaths and declaration, or being a quaker shall qualify according to that act, either in the manner prescribed by that act, or before two justices who shall take and return the same to the next sessions to be there recorded; such person shall be intitled to the benefit of the act, as fully as if he had qualified himself in the time prescribed by the act, and shall from thenceforth be discharged from all the penalties

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It is a pleasure to receive your letter of the 11th and to hear from you.

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1. The first part of the report is a general statement of the purpose of the study. This is followed by a brief review of the literature on the subject. The next section is a description of the methods used in the study. This is followed by a presentation of the results of the study. The final section is a discussion of the results and their implications.

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nalties and forfeitures incurred by force of any of the aforesaid penal statutes. 10 *An. c. 2. f. 8.*

2. And any preacher or teacher, duly qualified, shall be allowed to officiate in any congregation, altho' the same be not in the county where he was so qualified; provided that the place of meeting hath been duly certified, and registred, or recorded; and such teacher or preacher shall, if required, produce a certificate of his having so qualified himself, under the hand of the clerk of the peace where he was qualified; and shall also before any justice of such county where he shall so officiate, make and subscribe such declaration, and take such oaths as are mentioned in the act of toleration, if thereunto required. 10 *An. c. 2. f. 9.*

3. If any mayor, bailiff, or other magistrate, shall wilfully resort to, or be present at any publick meeting for religious worship, other than of the church of *England*, in the gown or other peculiar habit, or attended with the ensigns belonging to his office, he shall be disabled to hold the same, or any other publick office. 5 *G. c. 4. f. 2.*

Distillers. See Excise.

Distress.

- I. For what causes a distress shall be.*
- II. What goods may be distrained, and what not.*
- III. At what time the distress shall be taken.*
- IV. Where the distress shall be made.*
- V. That reasonable distress shall be taken.*
- VI. Manner of making distress.*
- VII. Distress how to be demeaned.*
- VIII. Of rescous and pound breach.*
- IX. Replevying the distress.*
- X. Sale of the distress.*
- XI. Irregularity in the proceedings.*
- XII. Landlord re-entring on non-payment.*
- XIII. Case of tenant holding over.*
- XIV. Tenant deserting the premises.*
- XV. Rent in case of an execution.*
- XVI. Rent on the death of tenant for life.*
- XVII. Of distress by warrant of justices of the peace.*

I. For what causes a distress shall be.

Rent in arrear.

1. **D**ISTRESS for rent must be, for rent in arrear; therefore it may not be made on the same day on which the rent becomes due; for if the rent is paid in any part of that day, whilst a man can see to count money, the payment is good.

Tender of payment.

2. It must not be after tender of payment: for if the landlord come to distress the goods of his tenant for rent behind; before the distress, the tenant may upon the land tender the arrearages, and if after that a distress be taken, it is wrongful: And if the landlord have distrained; if the tenant, before the impounding thereof, tender the arrearages, the landlord ought to deliver the distress, and if he doth not, the detainer is unlawful. Even so it is, in case of a distress for damage feasant (or damage done by cattle trespassing), the tender of amends before the distress, maketh the distress unlawful; and after the distress, and before the impounding, the detainer unlawful. *2 Inst. 107.*

But in this case, altho' the owner, tender sufficient amends, yet he cannot take his beasts out of the pound, if the amends be refused; but he must replevy: and if it be found at the trial that the amends was not sufficient, the person on whom they trespassed shall

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1. *Chrysomelids*

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shall have damages; if the amends tendered were sufficient, then the owner of the beasts shall have damages. *Dr. & St.* 112.

3. The like remedy may be had by distress, impounding and Seck rents and sale, in cases of rents, seck rents of assize, and chief rents, as in chief rents. case of rents reserved upon lease. *4 G. 2. c. 28. s. 5.*

4. Where the agreement is not by deed, the landlord may Agreement not recover a reasonable satisfaction, in an action on the case. *11 G. 2. by deed. c. 19. s. 14.*

5. Persons having rent in arrear, upon any lease determined, Lease deter- may distrain for such arrears after the determination of the lease, mined, in the same manner as if it had not been determined; provided that such distress be made in six months after the determination of such lease, and during the continuance of such landlord's title or interest, and during the possession of the tenant from whom such arrear became due. *8 An. c. 14. s. 6, 7.*

6. It was adjudged, that one cannot avow for two distresses for one and the same rent; but if the defendant had pleaded, that at the time of taking the first distress, there was not sufficient to be taken for the whole rent, upon the land, and that the first distress was but of such a value, it had been good. *3 Salk. 137.* Two distresses for one rent.

7. If any distress and sale shall be made, for rent in arrear and due, when none is in truth due, the owner shall recover double D'straining where no rent is due. value with full costs. *2 W. Siff. 1. c. 5. s. 5.*

And if the distress be taken of goods without cause, the owner may make *rescous*; but if they be distrained without cause, and impounded, the owner cannot break the pound and take them out, because they are in the custody of the law. *1 Inst. 47.*

II. What goods may be distrained, and what not.

1. Distress for rent must be of a thing, whereof a valuable Valuable prop- property is in somebody; and therefore, dogs, bucks, does, conies, erty. and the like, that are *feræ naturæ*, cannot be distrained. *1 Inst. 47.*

2. Altho' it be of valuable property, as a horse; yet when a Separate from the person. man or woman is riding on him, or an ax in a man's hand cutting of wood, and the like, they are for that time privileged, and cannot be distrained. *1 Inst. 47.*

But it is said, that if one be riding upon an horse damage feasant, the horse may be led to the pound with the rider upon him. *1 Sid. 422, 440.*

And it hath been held, that horses joined to a cart, with a man upon it, cannot be distrained for rent (altho' they may for damage feasant); but both cart and horses may, if the man be not upon the cart. *1 Vent. 36.*

3. Valuable things shall not be distrained for rent, for benefit For maintenance of trades. and maintenance of trades, which by consequent are for the common wealth, and are there by authority of law; as a horse in a smith's shop shall not be distrained for the rent issuing out of the shop, nor a horse in an hostry, nor the materials in a weaver's shop for making of cloth, nor cloth or garments in a taylor's shop, nor sacks of corn or meal in a mill, nor any thing distrained for damage

damage feasant, for it is in custody of the law; and the like.
1 *Inst.* 47.

Tools of a man's
profession.

4. Beasts belonging to the plough shall not be distrained (which is the ancient common law of *England*, for no man shall be distrained by the utensils or instruments of his trade or profession, as the ax of the carpenter, or the books of a scholar) while goods or other beasts may be distrained. 1 *Inst.* 47.

But this rule holds only in distresses for rent arrear, amercia-ments, and the like; but doth not extend to cases, where a distress is given, in the nature of an execution, by any particular statute, as for poor rates, and the like. 3 *Salk.* 136.

Things fixed to
the freehold.

5. Furnaces, cauldrons, or other things fixed to the freehold, or the doors or windows of a house, or the like, cannot be distrained. 1 *Inst.* 47.

Money.

6. Money in a bag sealed may be distrained, but not out of a bag. *Read. Distr.*

Corn cut.

7. By the 2 *W. Sess.* 1. c. 5. Persons having rent arrear on any demise, lease, or contract, may seize and secure any sheaves or cocks of corn, or corn loose or in the straw, or hay being in any barn or granary, or upon any hovel, stack, or rick, or otherwise upon any part of the land charged with the rent, and may lock up or detain the same in the place where found, in the nature of a distress; so as the same be not removed to the damage of the owner, out of the place where found and seized, but be kept there (as impounded) till replevied or sold. *f.* 3.

Corn growing.

8. Also by the 11 *G. 2. c.* 19. The landlord may take and seize corn, grafs, hops, roots, fruits, pulse, or other product growing, as a distress; and the same may cut, gather, make, cure, carry and lay up, when ripe, in the barns or other proper place on the premises; and if there shall be no barn or proper place on the premises, then in any other barn or proper place which he shall procure, so near as may be to the premises: the appraisement whereof shall be taken when cut, gathered, cured, and made, and not before. *f.* 8.

And notice of the place where the goods so distrained shall be lodged, shall in one week after the lodging thereof be given to the tenant, or left at the last place of his abode. *f.* 9.

Cattle escaped on
the premises.

9. Where a stranger's beasts escape into the land, they may be distrained for rent, tho' they have not been levant and couchant (that is, tho' they have not been in the ground for a good space of time, or so long as to have lain down and rose up again to feed) provided they are trespassers: But if the tenant of the land is in default, in not repairing his fences, whereby the beasts came into the land, the lessor cannot distrain such beasts, tho' they have been levant and couchant, unless he have given notice to the owner, and he suffer them to remain there afterwards. *Lutw.* 364.

For if the lessor had the lands in his own hands, he must repair the fences, and consequently he must see that his lessee doth it, for he is not to take advantage of his own default. 3 *Salk.* 136.

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10. In the case of *Forwkes and Joyce, T. 1 W.* It was held by the court, that if a driver of cattle put them out to pasture, by way of agistment, tho' but for a night, and by leave both of the lessor and lessee, yet they may be distrained for rent, tho' they be upon the road to market. *2 Ventr. 50.* Cattle depastured.

But it is said, that this shall only be, for so much of the rent, as the pasturage of those cattle for that time shall amount unto.

III. At what time the distress shall be taken.

For a rent or service the lord cannot distrain in the night, but in the day time; and so it is of a rent charge, but for damage feasant, one may distrain in the night, otherwise it may be the beasts will be gone before he can take them. *1 Inst. 142.* In the night.

For before sun rising, or after sun set, no man may distrain but for damage feasant. *Mirroure c. 2. f. 26.*

And as to damage feasant, if a man come to distrain, and see the beasts in his soil, and the owner chase them out of purpose before the distress taken; yet the owner of the soil cannot distrain them, and if he doth, the owner of the cattle may rescue them, for the beasts must be damage feasant at the time of the distress. *1 Inst. 161.* Damage feasant;

IV. Where the distress shall be made.

Where;

1. The king's officers, as sheriffs and other, shall not take distresses in the fees wherewith churches in times past have been endowed; but distresses may be taken in possessions of the church newly purchased. *9 Ed. 2. c. 9.* Church lands.

2. A man may distrain in places or lands within the fee, liable to distress, and not elsewhere. *52 H. 3. c. 15. 2 Inst. 131. Mir. Ch. 2. f. 26.* On the premises.

3. And by the *11 G. 2. c. 19.* The landlord may distrain any cattle or stock of the tenant, depasturing on any common appendant or appurtenant, or any ways belonging to the premises demised. *f. 8.* On the common.

4. No person (except the king's officers) shall take distresses in the king's highway. *52 H. 3. c. 15.* In the highway.

And the reason is, because the king's subjects ought to have free passage, as well to fairs and markets, as about their other affairs. But yet this shall not be taken, to make the distress utterly unlawful, so as to take advantage thereof in bar to an avowry, but to this purpose, that if the lord distrain in the highway, the tenant may have an action against him upon this statute. *2 Inst. 131, 132.*

5. But by the *11 G. 2. c. 19.* If any tenant for life, years, at will, sufferance, or otherwise, shall fraudulently or clandestinely convey off the premises his goods or chattels, to prevent the landlord from distraining; such landlord, or any person by him lawfully impowered, may in 30 days next after such conveying away, seize the same wherever they shall be found, and dispose of Carried off the premises.

of them in such manner, as if they had been distrained on the premises. *f. 1.*

But no landlord shall distrain any goods sold *bona fide*, and for a valuable consideration, before such seizure made, to any person not privy to such fraud. *f. 2.*

And if any tenant shall so fraudulently convey his goods, or if any person shall wilfully aid him therein, or in concealing the same; every person so offending shall forfeit to the landlord double the value of such goods, to be recovered in any court of record at *Westminster*. *f. 3.*

But if the goods conveyed or concealed shall not exceed the value of 50*l.* the landlord or his agent may exhibit a complaint in writing, before two justices residing near, who may summon the parties, and determine the offence in a summary way; and on full proof of the offence, they shall by order under their hands and seals adjudge the offender to pay double the value of such goods to the landlord or his agent, at such time as they shall appoint: and if, having notice of such order, he shall refuse or neglect so to do, they shall by warrant levy the same by distress and sale; and for want of such distress, may commit the offender to the house of correction for six months, unless the money be sooner paid. *f. 4.*

Persons aggrieved by order of such justices, may appeal to the next general or quarter sessions; who may give costs to either party. *f. 5.*

And where the party appealing shall enter into recognizance, with one or two sureties, in double the sum so ordered to be paid, with condition to appear at such sessions; the order of the justices shall not be executed against him in the mean time. *f. 6.*

V. That reasonable distress shall be taken.

Distress to be reasonable.

Distresses shall be reasonable, and not too great; and he that taketh great and unreasonable distresses, shall be grievously amerced. *52 H. 3. c. 4.*

For example, if the lord distrain two or three oxen for 12*d.* or the like small sum, and the owner bring a replevy of the oxen, and the lord avow the taking of them for the 12*d.*; of his own shewing, he shall make fine: or the party may have his action upon this statute. *2 Inst. 107.*

If the lord distrain an ox, or horse, for a penny; if there were no other distress upon the land holden, the distress is not excessive: but if there were a calf, or a swine, or the like, then the taking of the ox or horse is excessive, because he might have taken a beast of less value. *2 Inst. 107.*

VI. Manner of making distress.

Breaking gates.

1. Gates or enclosures may not be broken open, nor thrown down, to make distress. *1 Inst. 161.*

Opening doors.

2. Nor may the lessor enter into the tenant's house, unless the doors are open. *Read. Distr.*

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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3. Where any goods fraudulently or clandestinely conveyed, shall be kept in any house, barn, stable, outhouse, yard, close, or place locked up, fastened, or otherwise secured, so as to prevent such goods from being seized as a distress; it shall be lawful for the landlord, or his agent, to seize the same (first calling to his assistance the constable or other peace officer; and in case of a dwelling house, oath being also first made before a justice of the peace, of a reasonable ground to suspect that such goods are therein) in the day time, to break open and enter such house or place, and to take and seize the same, as he might have done if they had been in any open place. 11 G. 2. c. 19. s. 7.

But except it be in this case where the goods are clandestinely conveyed, it may seem from what hath been said, that the landlord hath no mean to come at the goods in order to make distress, if the tenant shall think fit to lock up his gates, and shut the doors: And the like may be observed in cases of distress for the levying a penalty, by warrant of justices of the peace. Which matter may seem to require some consideration.

4. If a landlord comes into a house, and seizes upon some goods as a distress, in the name of all the goods of the house; that will be a good seizure of all. 6 Mod. 215.

VII. Distress how to be demeaned.

1. He that distrains any thing that hath life, must impound it in a lawful pound, within three miles in the same county. 1 & 2 P. & W. c. 12. 1 Inst. 47.

T. 21 G. 2. *Gimbart and Pelah*. The defendant justified impounding cattle damage feasant. And on evidence it appeared, he put them into the next pound, though it happened to be in another county. And *Lee Ch. J.* held, it did not make him a trespasser, though it subjected him to the penalty of the statute of the 1 & 2 P. & M. Str. 1272.

Note, a pound is either *overt* or open, as in a pinfold made for such purposes, or in his own close, or in the close of another by his consent; and it is therefore called open, because the owner may give his cattle meat and drink, without trespass to any other, and then the cattle must be sustained at the peril of the owner: Or it is a pound *covert* or close, as to impound the cattle in some part of his house; and then the cattle must be sustained with meat and drink at the peril of him that distraineth, and he shall not have any satisfaction therefore. 1 Inst. 47.

But if the distress be of utensils of household, or such like dead goods, which may take harm by wet or weather, or be stolen away; there he must impound them in a house, or other pound *covert*, within three miles in the same county; for if he impound them in a pound *overt*, he must answer for them. 1 Inst. 47.

2. And by 11 G. 2. c. 19. any person distraining, may impound or otherwise secure the distress, of what kind soever it be, in such place, or on such part of the premises, as shall be most convenient; and may appraise, and sell the same, as any person before might have done off the premises. s. 10.

Aid of the constables and justices.

Impounding off the premises.

Impounding on the premises.

3. Cattle

Using the goods
distrained.

3. Cattle distrained may not be worked or used, unless for the owner's benefit, as a cow milked; much less may they be abused or hurt. *Cro. Ja.* 148.

Distress dying.

4. If a distress dies in the pound, the distrainer may distraint again. *1 Salk.* 248.

Dying by distress.

5. It is the distrainer's own fault, if he puts the distress in a pound which will not hold it; but he cannot justify the tying of cattle in the pound; and if he ties a beast, and it is strangled, he must pay damages. *1 Salk.* 248.

VIII. Of rescous and pound-breach.

Rescous and
pound-breach.

1. By the common law, if a man break the pound, or the lock of it, or part of it, he greatly offendeth against the peace, and doth trespass to the king, and to the lord of the fee, and to the sheriffs, and hundredors, in breach of the peace, and to the party, and to the delaying of justice; and therefore hue and cry is to be levied against him, as against those who break the peace. *Mir. c. 2. f.* 26.

2. And by statute, on any pound-breach or rescous, of goods distrained for rent, the person grieved thereby, shall in a special action upon the case, recover treble damages and costs against the offender, or against the owner of the goods, if they be afterwards found to have come to his use. *2 W. Sess. 1. c. 5. f.* 4.

Treble damages and costs] In the case of *Sir Wilfred Lawson v. Storey*, *M. 6 W.* It was adjudged, that the costs shall be trebled as well as damages. *L. Raym.* 20.

3. When a man hath taken distress, and the cattle distrained, as he is driving them to the pound, go into the house of the owner; if he that took the distress demand them of the owner, and he deliver them not, this is a rescous in law. *1 Inst.* 161.

IX. Replevying the distress.

Replevy.

1. The sheriff of every county shall, at his first county day, or in two months after he hath received his patent of office, appoint four deputies at the least, dwelling not above 12 miles one distant from another, to make replevies; on pain of 5*l.* a month, half to the king, and half to him that shall sue in any court of record. *1 & 2 P. & M. c. 12. f.* 3.

2. And the sheriff, or other officer having authority to grant replevins, shall in every replevin of a distress for rent, take in his own name, from the plaintiff and two sureties, a bond in double the value of the goods distrained, to be ascertained on the oath of one witness, and conditioned for prosecuting the suit with effect, and without delay, and for duly returning the goods distrained, in case a return shall be awarded; before any deliverance be made of the distress; and the sheriff shall assign such bond to the *avowant*, or person making *consequence*. *11 G. 2. c. 19. f.* 23.

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1. The first part of the document is a list of names and their corresponding addresses. The names are: John Doe, Jane Smith, and Bob Johnson. The addresses are: 123 Main St, 456 Elm St, and 789 Oak St.

1. The first part of the document is a list of names and their corresponding addresses. The names are listed in the first column, and the addresses are listed in the second column. The names are: John Doe, Jane Smith, and Bob Johnson. The addresses are: 123 Main St, 456 Elm St, and 789 Oak St.

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1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

1. The first part of the document is a list of names and dates, which appears to be a roster or a list of individuals. The names are written in a cursive script, and the dates are written in a more formal, printed style. The list is organized into columns, with names in the first column and dates in the second column.

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting letters that I have ever read.

The first of the month was a very fine day, and we
 went out for a walk in the park. The children
 were very happy and played for hours. We
 also went to the zoo and saw many
 interesting animals. The day was very
 pleasant and we all enjoyed it very much.

The second of the month was a very fine day,
 and we went out for a walk in the park.
 The children were very happy and played
 for hours. We also went to the zoo and
 saw many interesting animals. The day
 was very pleasant and we all enjoyed it
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The third of the month was a very fine day,
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 The children were very happy and played
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The fourth of the month was a very fine day,
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 The children were very happy and played
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 saw many interesting animals. The day
 was very pleasant and we all enjoyed it
 very much.

Note, *avowry* is, where one takes a distress, and the person distrained sues a replevin; then he that took the distress must *avow* and justify in his plea, for what cause he took it, if he took it in his own right; and this is called an *avowry*: If he took it in the right of another, then, when he hath shewed the cause, he must make *consuance* of the taking, as bailiff or servant to him, in whose right he took it. *Terms of the L.*

X. Sale of the distress.

Where any goods shall be distrained for rent reserved and due Sale. upon any demise, lease, or contract, and the tenant, or owner of the goods distrained, shall not within five days next after such distress taken, and notice thereof (with the cause of such taking) left at the chief mansion house, or other most notorious place on the premises, replevy the same; in such case the person distraining shall, with the sheriff or under sheriff of the county, or with the constable of the hundred, parish, or place, where such distress shall be taken, cause the goods and chattels so distrained to be appraised by two sworn appraisers (whom such sheriff, under-sheriff, or constable shall swear) to appraise the same truly, according to the best of their understandings; and after such appraisement, shall sell the same for the best price can be gotten for them, for satisfaction of the rent, and charges of the distress, appraisement, and sale; leaving the overplus (if any) with the sheriff, under sheriff, or constable, for the owner's use. *2 W. Sess. 1. c. 5. s. 2.*

M. 13 G. Griffin and Scott. Trespass for entring his house, and keeping possession of his goods eight days. The defendant justifies under a distress for Rent. But by the court; The defendant ought to have removed the goods at the five days end; and for the other three he is a trespasser, and there is no justification. *Str. 717.*

By the *1 & 2 P. & M. c. 12.* no person shall take for keeping in pound, or impounding any distress, above *4 d.* for any one whole distress; and where less hath been used, there to take less; on pain of *5 l.* to the party grieved, besides what he shall take above *4 d.* *s. 2.*

XI. Irregularity in the proceedings.

Where any distress shall be made, for any kind of rent justly Irregularity. due, and any irregularity shall be afterwards done by the party distraining, or his agent; the distress shall not be deemed unlawful, nor the distrainer a trespasser *ab initio*, but the party aggrieved may recover satisfaction for the special damage, in an action of trespass or on the case; and if he recover, he shall have full costs. *11 G. 2. c. 19. s. 19.*

But no tenant shall recover on such action, if tender of amends hath been made before the action brought. *s. 20.*

XII. Landlord re-entering on non-payment.

Re-entering.

Where half a year's rent shall be in arrear, and the landlord hath right by law to re-enter for non-payment; he may, without any formal demand of re-entry, serve a declaration in ejectment, and on recovering judgment and execution, shall hold the premises discharged from the lease. 4 G. 2. c. 28. s. 2.

XIII. Case of tenant holding over.

Holding over after the term expired.

1. If any tenant for life or years, or other person who shall come into possession by, from, or under him, shall wilfully hold over any lands, after the determination of such term, and after demand made, and notice in writing given for delivering the possession thereof; he shall, from the time that he shall so hold over, pay double the yearly value thereof, to be recovered by action of debt, in any court of record. 4 G. 2. c. 28. s. 1.

But this remedy seemeth not altogether adequate to the evil; for three reasons. 1. Because such action is certainly tedious and expensive. 2. It is uncertain, when the action is over, whether the tenant will be able to pay. 3. What is chiefly wanted, namely, putting the landlord into possession, is not obtained by such action, but for that he shall be still to seek. A more short and easy method of ousting the tenant of his possession, seemeth more eligible in the like cases.

Holding over after having given notice to quit.

2. If any tenant shall give notice of his intention to quit the premises, at a time mentioned in such notice, and shall not accordingly deliver up the possession thereof at the time; he shall from thenceforth pay double rent, to be recovered in like manner as the single rent. 11 G. 2. c. 19. s. 18.

This clause also proceedeth upon a Supposition, which perhaps may not be true, namely, that the tenant is a man of substance. It is more likely, that if he were able to live elsewhere, he would not chuse to hold over under such circumstances, nor perhaps would the landlord want to be rid of him. The putting him out of possession, by some expeditious and easy method, seemeth the more adequate remedy in this case also, in like manner as is provided in the case where the tenant deserteth the premises, as here followeth.

XIV. Tenant deserting the premises.

Tenant deserting.

If any tenant at rack rent, or where the rent reserved shall be full three fourths of the yearly value of the demised premises, who shall be in arrear for one year's rent, shall desert the premises, and leave the same uncultivated or unoccupied, so as no sufficient distress can be had; two justices at the request of the landlord may go and view the same, and affix on the most notorious part of the premises, notice (A) in writing, what day (at the distance of 14 days at the least) they will return to take a second view; and if on such second view, the tenant shall not appear

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pear and pay the rent, or there shall not be sufficient distress on the premises, then the justices may put the landlord into possession, and the lease as to such demise shall from thence be void.

11 G. 2. c. 19. s. 16.

But the tenant may appeal to the next justice or justices of assize; who may award costs to either party. s. 17.

And the justices in this, and all other the like cases, ought to make a record (B) of the whole proceedings, to be produced afterwards in case of an action brought against the landlord by such tenant. For the justices are not to carry witnesses with them about the country, to testify what they shall act as judges of record; nor doth it seem requisite, that they should go and testify in a court upon their oaths, what they shall have acted in such cases; but to make a record in writing under their hands and seals, of all that hath been done: which record being produced in court, seemeth to be the proper evidence in all such cases, for that the law reposeth an intire confidence therein, and it shall not be gainsaid; otherwise there would be no end of things.

XV. Rent in case of an execution.

No goods being on any messuage, lands, or tenements, leased for life, term of years, at will, or otherwise, shall be liable to be taken by execution, unless the party, at whose suit the execution is sued out, shall before the removal of such goods from off the premises, pay to the landlord or his bailiff all such rent as shall be then due for the premises, provided that it amount not to more than one year's rent; and if the said arrears shall exceed one year's rent, then the party paying such landlord one year's rent, may proceed to execute his judgment. 8 An. c. 14. s. 1. Execution.

XVI. Rent on the death of tenant for life.

Where any tenant for life shall die, before or on the day on which the rent was made payable, on any demise or lease which determined on the death of such tenant for life; the executors or administrators of such tenant for life, may in an action on the case recover, if such tenant for life die on the day on which the same was made payable, the whole, or if before such day, then a proportion of such rent, according to the time such tenant for life lived. 11 G. 2. c. 19. s. 15. Tenant for life dying.

XVII. Of distress by warrant of justices of the peace.

By the 27 G. 2. c. 20. It is enacted as follows: *In all cases where any justice of the peace is or shall be required or impowered by any act of parliament, to issue a warrant of distress, for the levying of any penalty inflicted; or any sum of money directed to be paid by such act; it shall be lawful for the justice granting such warrant, therein to order and direct the goods and chattels so to be distrained to be sold and disposed of, within a certain time to be limited in such warrant, so as such time be not less than four days, nor*

more than eight days, unless the penalty or sum of money for which such distress shall be made, together with the reasonable charges of taking and keeping such distress, be sooner paid.

And the officer making such distress, shall and may deduct the reasonable charges of taking, keeping, and selling such distress, out of the money arising by such sale; and the overplus (if any) after such charges, and also the said penalty or sum of money, shall be satisfied and paid, shall be returned on demand, to the owner of the goods so distrained: and the officer executing such warrant, if required, shall shew the same to the person whose goods are distrained, and shall suffer a copy thereof to be taken.

But this shall not extend, to alter any provisions relating to distresses to be made for the payment of tithes and church rates by the people called quakers, contained in the acts of the 7 & 8 W. c. 34. and the 1 G. ft. 2. c. 6.

Officer may deduct the reasonable charges] But here is no power given to the justices, to ascertain such charges; therefore it seemeth; that the officer executing the warrant shall be the sole judge thereof in the first instance, and afterwards, if the owner of the goods distrained shall be dissatisfied, the reasonableness thereof shall be determined by a judge and jury upon an action brought.

But by special statutes, this power of ascertaining the charges of distress and sale, is sometimes given to the justices, as is set forth in this book under the respective titles.

Tithes and church rates by the people called quakers] The above-said statutes of the 7 & 8 W. c. 34. and 1 G. ft. 2. c. 6. relate not only to *tithes* and *church rates* (by which last seemeth only to be understood the churchwardens rate for the repair and other uses of the church), but also to any customary or other rates, dues, or payments, belonging to any church or chapel, which of right by law and custom ought to be paid for the stipend or maintenance of any minister or curate officiating in any church or chapel. Therefore for any thing that appears from the words of this statute, unless it be in the case of *tithes* or *church rates*, the justices may order the distress for those other dues and payments to be detained for a certain time, and the officer may deduct the charges not only of *distraining*, but also of *keeping* and *selling* the distress; whereas by those former acts abovementioned, the officer was only allowed to deduct the necessary charges of *distraining*.

A. Notice to be affixed on the premises being deserted.

Abraham Sutcliffe,

TAKE notice, that upon the complaint of Eleanor Ashton of Underley in the county of Westmorland, widow, made unto us John Moore, esquire, and Richard Burn, clerk, two of his majesty's justices of the peace for the said county, that you the said Abraham Sutcliffe have deserted the messuage and tenement called ———— situate, lying, and being at Underley aforesaid, in the county aforesaid, unto you demised at rack rent by her the said Eleanor

Eleanor Ashton, and that there is in arrear and due from you the said A. S. unto her the said E. A. one whole year's rent for the said demised premises, and that you have left the said premises uncultivated and unoccupied, so that no sufficient distress can be had, to counterwail the said arrears of rent; we the said justices (having no interest, nor either of us having any interest, in the said demised premises) on the said complaint as aforesaid, and at the request of her the said E. A. have this day come upon and viewed the said demised premises, and do find the said complaint to be true; and on the 28th day of this present month of February we will return to take a second view thereof, and if upon such second view, you, or some person on your behalf, shall not appear and pay the said rent in arrear, or there shall not be sufficient distress on the said premises, then we the said justices will put her the said E. A. into the possession of the said demised premises, according to the form of the statute in such case made and provided. In witness whereof we have hereunto set our hands and seals, and have caused this notice to be affixed on the out door of the mansion house, the same being the most notorious part of the said premises, this fourth day of February in the 27th year of the reign of our sovereign lord George the second of Great Britain, France, and Ireland, king.

B. Record of putting the landlord into possession.

Westmorland. **B**E it remembred, that on the fourth day of February in the 27th year of the reign of our sovereign lord George the second of Great Britain, France, and Ireland, king, defender of the faith, and so forth, at Underley in the said county, Eleanor Ashton of Underley aforesaid, in the county aforesaid, widow, complained unto us John Moore, esquire, and Richard Burn, clerk, two of the justices of our said lord the king, assigned to keep the peace within the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, That she the said Eleanor Ashton did demise at rack rent unto Abraham Sutcliffe of ——— yroman, the messuage and tenement call'd ——— consisting of ——— situate, lying, and being at Underley aforesaid, in the county aforesaid; and that on the said fourth day of February in the year aforesaid, there was in arrear and due unto her the said E. A. from him the said A. S. tenant of the said demised premises, one whole year's rent thereof; and that he the said A. S. had deserted the said demised premises, and left the same uncultivated and unoccupied, so as no sufficient distress could be had to counterwail the said arrears of rent: whereupon the said E. A. then and there, to wit, on the said fourth day of February in the year aforesaid, at Underley aforesaid, in the county aforesaid, requested of us so as aforesaid being justices, to her in this behalf that a due remedy should be provided, according to the form of the statute in that case made. Which complaint and request by us the aforesaid justices being heard, we the said John Moore, esquire, and Richard Burn, clerk, justices aforesaid (having no interest, nor either of us having any interest, in the said demised premises) on the said fourth day

of February in the year aforesaid, at Underley aforesaid, in the county aforesaid, did personally go upon and view the said demised premisses, and then and there upon our own proper view did find the said complaint to be true, and did then and there affix on the most notorious part of the said demised premisses, to wit, upon the out door of the mansion house aforesaid, a notice in writing under our hands and seals; that we the said justices, on the 28th day of the same month of February in the year aforesaid, would return to take a second view thereof. Upon which said 28th day of February in the 27th year aforesaid of our said sovereign lord, we the said justices do now return, come upon, and take a second view of the premisses aforesaid, and there upon our own proper view do find, that he the said Abraham Sutcliffe doth not appear, nor any person on his behalf doth appear, and pay the said rent in arrear, and that there is no sufficient distress upon the premisses aforesaid, nor upon any part thereof, to countervail the said arrears of rent. Therefore we the said justices, at Underley aforesaid, in the county aforesaid, on the 28th day of February aforesaid in the year aforesaid, do put the said Eleanor Ashton into the possession of the said demised premisses, according to the form of the statute aforesaid. In witness whereof, we the said justices, unto this record do set our seals, at Underley aforesaid, in the county aforesaid, on the said 28th day of February in the 27th year aforesaid of the reign of our said sovereign lord George the second of Great Britain, France, and Ireland, king.

Distringas. See Process.

Divine Service. See Publick Worship.

Dogs. See Game.

Door breaking open. See Arrest.

Dower. See Forfeiture.

Drover. See Cattle.

Drunkenness. See Alehouses.

Duelling. See Homicide.

Dyers. See Woollen Manufacture.

Eggs. See **Game.**

Egyptians. See **Vagrants.**

Embracery. See **Maintenance.**

Escape.

THIS is to be understood of escapes in *criminal* cases; and not in *civil* cases, as for debt, or the like.

An escape is, where one that is arrested gaineth his liberty, before he is delivered by course of law. *Terms de la ley.* Escape, what.

Escapes are of three kinds. 1. By a person who hath the offender in his custody; this is properly called an *escape*. 2. Caused by a stranger; this is commonly called a *rescue*. 3. By the party himself; either without force, which is simply an escape, or with force, which is *prison breaking*. *Rescous* and *prison breaking* are treated of under their respective titles; and this title treats only of escapes properly so called. Concerning which we will treat in the following order: Several kinds thereof.

I. Of escape by the party himself.

II. Escape suffered by a private person.

III. Escape suffered by an officer.

IV. What is a voluntary, and what a negligent escape.

V. Concerning the retaking of a person escaped.

VI. Indictment for an escape.

VII. Trial and conviction for an escape.

VIII. Punishment of an escape.

IX. Aiding in attempting to escape.

I. Of escape by the party himself.

As all persons are bound to submit themselves to the judgment of the law, and to be ready to be justified by it; whoever in any case refuses to undergo that imprisonment which the law thinks fit to put upon him, and frees himself from it by any artifice, before such time as he is delivered by due course of law, is guilty of a high contempt, punishable with fine and imprisonment. 2 *Haw.* 122. Escape by the party himself.

But escape committed by the party himself, belongs more properly to the title *Prison breaking*.

II. *Escape suffered by a private person.*

Escape by a private person.

It seems to be a good general rule, that wherever any person hath another lawfully in his custody, whether upon an arrest made by himself or another, he is guilty of an escape, if he suffer him to go at large, before he hath discharged himself of him, by delivering him over to some other who by law ought to have the custody of him. 2 *Harr.* 138.

And the law is generally the same, in relation to escapes suffered by private persons, as by officers. 2 *Harr.* 138.

III. *Escape suffered by an officer.*

Escape by an officer.

There must be a previous arrest.

And justifiable.

And for a criminal offence.

And not detained only for fees.

Too much liberty, an escape.

1. In order to make it an escape, there must be an actual arrest; and therefore, if an officer having a warrant to arrest a man, see him shut up in a house, and challenge him as his prisoner, but never actually have him in his custody, and the party get free, the officer cannot be charged with an escape. 2 *Harr.* 129.

2. And as there must be an actual arrest, such arrest must be also justifiable; for if it be either for a supposed crime, where no such crime was committed, and the party neither indicted nor appealed, or for such a slight suspicion of an actual crime, and by such an irregular mittimus as will neither justify the arrest nor imprisonment, the officer is not guilty of an escape, by suffering the prisoner to go at large. 2 *Harr.* 129.

3. And as the imprisonment must be justifiable, so it must be also for a criminal offence. 2 *Harr.* 129.

4. Also if a prisoner be acquitted, and detained only for his fees, it will not be criminal to suffer him to escape, tho' the judgment were, that *he be discharged paying his fees*, so that till they be paid, the first imprisonment continued lawful as before; for inasmuch as he is detained, not as a criminal, but only as a debtor, his escape cannot be more criminal than that of any other debtor: Yet if a person convicted of a crime, be condemned to imprisonment for a certain time, and also *till he pay his fees*, and he escape after such time is elapsed, without paying them, perhaps such escape may be criminal, for that it was part of the punishment that the imprisonment be continued till the fees should be paid; but it seems, that this is to be intended where the fees are due to others as well as to the gaoler, for otherwise the gaoler will be the only sufferer by the escape, and it will be hard to punish him for suffering an injury to himself only, in the nonpayment of a debt in his power to release. 2 *Harr.* 129, 130.

5. Also, it is an escape in some cases, to suffer a prisoner to have greater liberty, than by the law he ought to have; as to admit a person to bail, who by law ought not to be bailed, but to be kept in close custody. 2 *Harr.* 130.

So if a gaoler, or other officer, shall license his prisoner to go abroad for a time, and to come again; this is an escape, because the prisoner is found out of the bounds of his prison, tho' the prisoner return again, according as he shall be prescribed. *Dalt. c.* 159.

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

6. If the gaoler so closely pursue the prisoner who flies from him, that he retakes him, without losing sight of him, the law looks on the prisoner so far in his power all the time, as not to adjudge such a flight to amount at all to an escape; but if the gaoler once lose sight of the prisoner, and afterwards retake him, he seems in strictness to be guilty of an escape. And if he kill him in the pursuit, he is in like manner guilty of an escape, tho' he never lost sight of him, and could not otherwise take him, not only because the king loses the benefit he might have had by the forfeiture on his attainder, but also because the publick justice is not so well satisfied by the killing him in such an extrajudicial manner. 2 *Haw.* 130. Losing sight, an escape.

IV. What is a voluntary, and what a negligent escape.

1. Wherever an officer, who hath the custody of a prisoner, charged with and guilty of a capital offence, doth knowingly give him his liberty, with an intent to save him from his trial or execution, this is a voluntary escape. 2 *Haw.* 130. Voluntary escape, what.

2. A negligent escape is, when the party arrested or imprisoned doth escape against the will of him that arrested or imprisoned him, and is not freshly pursued and taken again, before he hath lost the sight of him. *Dalt.* c. 159. Negligent escape, what.

3. If the constable or other officer, shall voluntarily suffer a thief, being in his custody to go into the water to drown himself, this escape is felony in the constable, and the drowning is felony in the thief: Otherwise if the thief shall suddenly without the assent of the constable, kill, hang, or drown himself, this is but a negligent escape in the constable. *Dalt.* c. 159. Suffering a prisoner to kill himself.

V. Concerning the retaking of a person escaped.

1. If an officer hath arrested a man by virtue of a warrant, and then taketh his promise that he will come again, and so letteth him go; the officer cannot after arrest or take him again by force of his former warrant, for that this was by the consent of the officer: But if he return, and put himself again under the custody of the officer, it seems that it may be probably argued, that the officer may lawfully detain him, and bring him before the justice in pursuance of the warrant. *Dalt.* c. 169. 1 *Haw.* 81. Let go voluntarily, cannot be retaken.

2. But if the party arrested had escaped of his own wrong, without the consent of the officer, now upon fresh suit, the officer may take him again and again, so often as he escapeth, altho' he were out of view, or that he shall fly into another town or county, and bring him before the justice upon whose warrant he was first arrested. *Dalt.* c. 169. Fresh suit.

And it is said generally in some books, that an officer who hath negligently suffered a prisoner to escape, may retake him wherever he finds him, without mentioning any fresh pursuit; and indeed since the liberty gained by the prisoner is wholly owing to his own wrong, there seems to be no reason he should take any manner of advantage from it. 2 *Haw.* 131, 132.

Breaking open
doors to retake.

3. And wherever a person is lawfully arrested for any cause, and afterwards escapes, and shelters him in an house, the doors may be broke open to take him, on refusal of admittance. *2 Harw. 87.*

Retaking excu-
seth not the
escape.

4. It is perhaps the better opinion, that wherever a prisoner; by the negligence of his keeper, gets so far out of his power, that the keeper loses sight of him, the keeper is punishable for the escape, notwithstanding he retook him immediately after: And it is clear, that he cannot excuse himself from an escape, by killing a prisoner in the pursuit, tho' he could not possibly retake him; but must in such case be content to submit to such punishment, as his negligence shall appear to deserve. *2 Harw. 132.*

VI. Indictment for an escape.

Indictment.

It seems clear, that every indictment (A) for an escape, whether negligent or voluntary, must expressly shew, that the prisoner was actually in the defendant's custody for such a crime; and that he went at large; And if for a voluntary escape, that the defendant feloniously and voluntarily suffered him to go at large; and must set forth, not the felony in general, but the particular kind of felony: But it seems questionable, whether such certainty, as to the nature of the crime, be necessary in an indictment for a negligent escape; for that it is not material in this case, whether the person who escaped were guilty or not. *2 Harw. 133, 229.*

VII. Trial and conviction for an escape.

Gaoler not pro-
ducing him, a
conviction.

1. If the prisoner be of record in a court, and the gaoler being called, cannot give an account where he is, this is a conviction of an escape; but seems not a conviction of a voluntary escape, unless the gaoler confesseth it: And the gaoler may be fined in such a case; but not convicted of felony, without indictment or presentment. *1 H. H. 599, 603.*

Felony to be
tried before the
escape.

2. And it seems to be clear, that a keeper who voluntarily suffers another to escape, who was in his custody for felony, cannot be arraigned for such escape as for felony, until the principal be attainted, for that the felony of the prisoner shall not be tried between the king and the keeper, because the prisoner is a stranger thereunto; yet he may be indicted and tried for it as a misprision, before the attainder of the principal offender. *2 Harw. 135. 2 Inst. 591, 592.*

VIII. Punishment of an escape.

Punishment of
escape before
arrest.

1. If a felon escapes before arrest, it is not punishable in him as for felony; but for the flight he forfeits his goods when presented. *Hale's Pl. 111.*

Of escape by a
private person.

2. If a private person arrest a felon, and he escape by force from him, the township shall be amerced, but it seems it excuseth the party, because he cannot raise power to assist him: but if a constable,

constable, or other officer, hath the custody of a prisoner, bringing him to the gaol, it seems that a simple escape by the rescue of the prisoner himself, doth not wholly excuse him, because he may take sufficient strength to his assistance. 1 *H. H.* 601.

3. Wherever a person is found guilty upon an indictment or pre-sentment of a negligent escape of a criminal actually in his custody, he is punishable by fine and imprisonment, according to the quality of the offence. 2 *Harv.* 136, 139. 1 *H. H.* 600, 604. Of a negligent escape.

And it seems to be the better opinion, that a sheriff is as much liable to answer for a negligent escape suffered by his bailiff, as if he had actually suffered it himself, and that the court may charge either the sheriff or bailiff for such an escape; and if a deputy gaoler be not sufficient to answer a negligent escape, his principal must answer for him. 2 *Harv.* 135.

Note; Mr. *Hawkins*, altho' he is one of the most accurate of all writers, yet hath inserted in this place certain penalties for escapes, which were expired above 200 years before. 2 *Harv.* 137.

If a prisoner for felony break the gaol, this seems to be a negligent escape in the gaoler, because there wanted either that due strength in the gaol, that should have secured him, or that due vigilance in the gaoler or his officers to have prevented it; and therefore it is lawful for the gaoler to hamper them with irons to prevent their escape; for if gaolers might not be punished for this as a negligent escape, they would be careless either to secure their prisoners, or to retake them that escape. 1 *H. H.* 601.

4. It seems to be generally agreed, that a voluntary escape suffered by an officer, amounts to the same kind of crime, and is punishable in the same degree, as the offence of which the party was guilty, and for which he was in custody, whether it be treason, felony, or trespass. 2 *Harv.* 134. Of a voluntary escape.

But yet a voluntary escape is no felony, if the act done were not felony at the time of the escape made, as in case of a mortal wound given, and the party not dying till after the escape; but the officer may be fined to the value of his goods. *Dalt.* c. 159.

Also, a voluntary escape suffered by one who wrongfully takes upon him the keeping of a gaol, seems to be punishable in the same manner, as if he was never so rightfully intitled to such custody; for that the crime is in both cases of the same ill consequence to the publick: and there seems to be no reason that a wrongful officer should have greater favour than a rightful, and that for no other reason but because he is a wrongful one. 2 *Harv.* 134.

But it seemeth to be clear, that no one is punishable as for felony, for the voluntary escape of a felon, but the person only who is actually guilty of it; and therefore that the principal gaoler is only fineable for a voluntary escape suffered by his deputy; for that no one shall suffer capitally for the crime of another. 2 *Harv.* 135.

And therefore, altho' in all civil causes, the sheriff is to be responsible, or the gaoler, at election, yet if the gaoler do voluntarily suffer a felon in his custody to escape; this, inasmuch as it reacheth to life, is felony only in the gaoler, that was immediately trusted with the custody, and not in the sheriff. 1 H. H. 597.

For the escape must be voluntarily permitted in him that permitted it, which could not be in the high sheriff, tho' it were such in the gaoler, for he was not privy to it, and therefore could not do it feloniously; but it was a negligent escape in him, in trusting such a person with the custody of his prisoners, that would be false to his trust, and therefore the sheriff shall pay, but not corporally suffer for the miscarriage of his gaoler. 1 H. H. 597, 598.

But altho' the felony for which a man is committed, be not within clergy; yet the person who voluntarily suffers him to escape, shall have the benefit of clergy. 1 H. H. 599.

IX. Aiding in attempting to escape.

Aiding in attempting to escape.

By the 16 G. 2. c. 31. If any person shall assist any prisoner to attempt his escape from any gaol, tho' no escape be actually made, if such prisoner was then attainted or convicted of treason or felony (except petty larceny), or lawfully committed to, or detained in any gaol, for treason or felony (except petty larceny) expressed in the warrant of commitment; he shall be guilty of felony, and be transported for seven years: And if such prisoner was then convicted of, or detained in gaol for petty larceny, or any other crime not being treason or felony, expressed in the warrant of commitment, or was then in gaol for debt amounting to 100*l.* he shall be guilty of a misdemeanor, and be liable to fine and imprisonment.

And if any person shall convey, or cause to be conveyed, any disguise, instrument, or arms, to any prisoner in gaol, or to any other person there for his use, without consent of the keeper; such person, altho' no escape or attempt be actually made, shall be deemed to have delivered such disguise, instrument, or arms, with an intent to assist such prisoner to escape or attempt to escape; and if such prisoner then was attainted or convicted of treason or felony (except petty larceny), or lawfully detained in gaol, for treason or felony (except petty larceny) expressed in the warrant of commitment;—he shall be guilty of felony, and be transported for seven years: But if the prisoner was then convicted or detained for petty larceny, or any other crime not being treason or felony, expressed in the warrant of commitment, or for debt amounting to 100*l.* he shall be guilty of a misdemeanor, and liable to fine and imprisonment.

And if any person shall assist any prisoner to attempt to escape from any constable, or other person, who shall have the lawful charge of him, in order to carry him to gaol, by virtue of a warrant of commitment for treason or felony (except petty larceny); or if any person shall assist any felon to attempt his escape from

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from on board any boat or vessel carrying felons for transportation, or from the contractor for the transportation of such felons, or his agents, he shall be guilty of felony, and be transported for seven years.

All prosecutions on this act to be commenced within a year after the offence committed.

A. Indictment against a constable for an escape.

Westmorland. **T**HE jurors for our lord the king upon their oath present, That on the ——— day of ——— in the ——— year of the reign of ——— at ——— in the county aforesaid, one A. I. of ——— came before J. P. esquire, then and yet one of the justices of our said lord the king, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed; and the said A. I. did, then and there, on his oath, before the same justice, charge, accuse, and give information against one A. O. of ——— aforesaid in the county aforesaid, yeoman, for a certain misdemeanor, in taking fish out of the pond of ——— at ——— in the said county [or, as the offence shall be:] Whereupon he the said J. P. the justice aforesaid, did then and there, to wit, at ——— aforesaid, in the county aforesaid, make a certain warrant, under his hand and seal, in due form of law, directed to the constable of ——— aforesaid, in the county aforesaid, thereby requiring him the said constable to take the body of the said A. O. and bring him before the said J. P. the justice aforesaid, to answer to such matters and things as should be alledged against him, touching the said misdemeanor; Which said warrant, afterwards, to wit, on the same day and year abovementioned, at ——— aforesaid, in the county aforesaid, was delivered to one A. C. then being constable of ——— aforesaid, in due form of law, to be executed; by virtue of which said warrant the said A. C. afterwards, to wit, on the said ——— day of ——— in the year aforesaid, at ——— aforesaid, in the said county, did take and arrest the body of the said A. O. and him the said A. O. in his custody for the cause aforesaid, had: Nevertheless, the said A. C. of ——— aforesaid, in the county aforesaid, yeoman, afterward, to wit, on the said ——— day of ——— in the year aforesaid, the duty of his office in that part not regarding, at ——— aforesaid, in the county aforesaid, unlawfully and negligently did permit the said A. O. to escape, and go at large, out of the custody of him the said A. C. to the great hindrance of justice, in contempt of our said lord the king, and his laws, and against the peace of our said lord the king, his crown and dignity.

Escheat. See Forfeiture.

Estreat.

Estreat.

Estreat, what.

1. **ESTREAT** (*Extradum*) is used for the true copy or note of some original writing or record, and especially of fines and amerciaments, imposed in the rolls of a court, to be levied by the bailiff or other officer.

Making out the estreats.

2. The justices and judges before whom fines or amerciaments shall be, shall charge the clerks of the estreats, by their oath to be made, that they make the rolls of such estreats distinctly by express words, of the cause of the loss, of the term of the year, and the nature of the writ, and betwixt what parties such issues or amerciaments shall be lost, as well in the king's suit, as in the suit of the party. 7 H. 4. c. 3.

Delivering the same to the sheriff.

3. All clerks of the peace, and town clerks, shall deliver to the sheriff within 20 days after Sep. 29. yearly, a perfect estreat or schedule of all fines, issues, amerciaments, and other forfeitures whatsoever, forfeited in any sessions before Michaelmas; on pain of 50*l.* half to the king, and half to him that shall sue. 22 & 23 C. 2. c. 22. f. 7, 8.

And into the court of exchequer.

4. And shall also yearly, on or before the second Monday after the morrow of All Souls, deliver into the court of exchequer, a duplicate, certificate, and estreat of such estreats and schedules, so delivered to the sheriff; on the like pain of 50*l.* *id.* f. 8. And likewise they may be further amerced by the barons of the exchequer. 3 G. c. 15. f. 12.

And upon delivery thereof, they shall take the following oath, to be administered by one of the barons:

"You shall swear, that these estreats now by you delivered, are truly and carefully made up and examined, and that all fines, issues, amerciaments, recognizances, and forfeitures which were set, lost, imposed, or forfeited, and in right and due course of law ought to be estreated in the court of exchequer, are, to the best of your knowledge and understanding, therein contained; and that in the same estreats are also contained and expressed all such fines as have been paid into the court, from which the said estreats are made, without any wilful or fraudulent discharge, omission, *misnomer*, or defect whatsoever: So help you god." 4 & 5 W. c. 24. f. 5.

Penalty of making default.

5. And if he shall withhold, or miscertify the same, he shall forfeit treble; half to the king, and half to him that shall sue; and shall also lose his office, and be incapable to hold any office in the revenue. 22 & 23 C. 2. c. 22. f. 9.

Process for levying.

6. Where any fine or forfeiture shall be paid to the sheriff, clerk of the peace or other officer, and so certified into the exchequer; process shall be awarded to the sheriff against such person for levying the same. 22 & 23 C. 2. c. 22. f. 10.

Sheriff's duty in levying.

7. And in levying, the sheriff shall shew the estreats under the seal of the exchequer, to the party indebted; on pain of treble damages to the party, and fine to the king, on conviction before the justices of the peace, or other justices. 42 Ed. 3. c. 9.

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and the fact that the two parties are not in a position to make a decision on the basis of the information available to them.

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Journal of Management Studies, 19(1), 67-80.

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1. *Principles of Mathematics*, by David Hilbert, 1903.

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1. The first group of people who are likely to be affected by the proposed project are the local residents who live in the vicinity of the project site. These residents may be affected by the project in a number of ways, including increased traffic, noise, and air pollution. It is important to identify these potential impacts and develop measures to mitigate them.

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8. And the sheriff shall make no eftreats to levy his own amerciaments (that is to say, in the torn), till two justices (1 *Q.*) to be named at *Michaelmas* sessions by the *custos rotulorum*, or in his absence by the eldest in the commission, have inspected his books; and the said eftreats shall be indented betwixt the said justices and sheriff, and sealed with their seals, the one part to remain with the justices, and the other with the sheriff: And the persons who shall gather the said amerciaments, shall be sworn by the said justices, that they shall take no more than is forfeited, and contained in the said eftreats. 11 H. 7. c. 15.

Eftreats in the torn.

Form of the eftreat.

Westmorland. **A**N extract of all the issues, fines, amerciaments, and recognizances, set, lost, imposed, and forfeited to our sovereign lord the king, at the general quarter sessions of the peace of our said lord the king, holden at _____ in and for the said county of _____ on _____ the _____ day of _____ in the _____ year of the reign of _____ before _____ esquires, justices of our said lord the king, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, John Robinson, gentleman, clerk of the peace for the county aforesaid, then and there attending:

Of A. O. late of _____ in the said county, labourer, for a trespass and assault at _____ aforesaid in the said county, whereof he is indicted and convicted; and his fine set at five shillings, which he paid to the sheriff in court _____ 1. s. d.
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Of A. O. of _____ in the said county, yeoman, because he came not now here to answer to such things as against him, on the part of our said lord the king, should be objected, as by a certain recognizance taken before J. P. esquire, one of the justices of our said lord the king, assigned to keep the peace in the said county, he undertook _____ 10 0 0

Of A. S. of _____ in the said county, yeoman, one of the pledges of the said A. O. because he had him not to answer as above _____ 5 0 0

Of B. S. of _____ in the said county, yeoman, the other of the pledges of the said A. O. for the like _____ 5 0 0

Evidence.

I. Of evidence in general.

II. Of written evidence.

III. Of the evidence of witnesses.

IV. Of process to cause witnesses to appear.

V. Of the manner of giving evidence.

I. Of evidence in general.

Evidence, what. 1. **EVIDENCE** in legal understanding, doth not only contain matters of record, as letters patents, fines, recoveries, inrollments, and the like, and writings under seal, as charters and deeds, and other writings without seal, as court rolls, accounts, and the like; but in a larger sense it containeth also the testimony of witnesses, and other proofs to be produced and given, for the finding of any issue joined between the parties. And it is called *evidence*, because thereby the point in issue is to be made evident to the jury. 1 *Inst.* 283.

The best evidence is required. 2. It is a general rule in all cases, civil and criminal, that the best evidence that may be had, or that the nature of the thing will bear, is to be given: and it is upon this reason, that a copy of a record is admitted, because one cannot have the record it self; but a copy of a copy will not do. *Law of Evid.* 286.

Prefumptive evidence. 3. Many times juries, together with other matter, are much induced by presumptions; whereof there are three sorts, violent, probable, and light or temerary. Violent presumption many times amounts to full proof; as if one be run thro' the body with a sword in a house, whereof he instantly dieth, and a man is seen to come out of that house, with a bloody sword, and no other man was at that time in the house. Probable presumption moveth little. But light, or temerary presumption moveth not at all. 1 *Inst.* 6.

If all the witnesses to a deed be dead (as no man can keep his witnesses alive, and time weareth out all men) then violent presumption, which stands for a proof, is continual and quiet possession; altho' the deed may receive credit from a comparing of seals, writing, and the like. 1 *Inst.* 6.

What number of witnesses are required. 4. The common law did not require any certain number of witnesses, for the trial of any crime whatsoever. 2 *Haw.* 428.

And before a justice of the peace in divers cases, one witness is sufficient to convict an offender; the same being directed by special statutes.

But in case of high treason, whereby corruption of blood shall be made, no person shall be attainted, but upon the oaths of two witnesses, either both to the same overt act, or one of them to one, and the other of them to another overt act of the same treason. 7 *W. c.* 3. *f.* 2.

And

2. Identify

members year; 10 million in 1950.

January 1950

1. The first part of the document is a list of names and their corresponding addresses. The names are listed in a column on the left, and the addresses are listed in a column on the right. The names are: John Doe, Jane Smith, and Bob Johnson. The addresses are: 123 Main St, 456 Elm St, and 789 Oak St.

1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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And by 29 C. 2. c. 3. s. 5. Devises of lands shall be attested by three witnesses at the least.

II. Of written evidence.

1. A private act of parliament, that concerned *Recheſter* bridge, Act of parliament^{ment} tho' printed by *Raſſal*, was not allowed in evidence, not being examined by the record. Otherwiſe of general ſtatutes; there the printed book is good evidence. *Tr. per pais* 348.

And there are very many of the old ſtatutes, which are admitted and obtain as ſuch, tho' there be no record at this day extant thereof, nor yet any other written evidence of the ſame, but what is in a manner only traditional, as namely, ancient copies, tranſcripts, books, pleadings, and the common received opinion and reputation, and the approbation of the judges learned in the laws. For the judges and courts of juſtice are *ex officio* bound to take notice of publick acts of parliament, and whether they are truly pleaded or not, and therefore they are the triers of them. But it is otherwiſe of private acts of parliament, for they may be put in iſſue, and tried by the record upon *nul tiel* record pleaded. *Hale's Hiſt. Com. L.* 15, 16.

2. Records prove themſelves, and cannot be proved by witneſſes. But copies of them muſt be proved by witneſſes, and then they are good evidence. No rature or interlining ſhall be intended in them. But the ſureſt way is, to exemplify a record under the great ſeal, or at leaſt under the ſeal of the court. *10 Co* 92.

And nothing ſhall be admitted as evidence of what was done at another trial, till the record of that trial be produced. *Read. Evid.*

3. A record of the ſeſſions was allowed in evidence, to prove that a perſon had not taken the oaths *1 ſalk.* 284. Record of ſeſſions.

4. But a private book of entries ſhall not be allowed for that purpoſe: Thus in the caſe of *The Queen* and *Mead*, the defendant, and eight others, were incorporated under an act made 39 *El.* by the name of the ſurveyors of the highways at *Alieſbury* in the county of *Bucks*, and were truſtees of a charity called *Bedford's* gift. An information was preferred againſt the defendant, for executing this office, being an office of truſt, without having taken the oaths, contrary to the 25 C. 2. c. 2. To which he pleaded not guilty. And now it was moved for a rule, that the proſecutor might have two books produced, which theſe ſurveyors kept, in which they entered their elections, and alſo their receipts and diſburſements; and that he might take copies of what he thought neceſſary, and that the books might be produced at the next aſſizes at the trial. But it was denied by the court; becauſe they are perfectly of a private nature, and it would be to make a man produce evidence againſt himſelf in a criminal proſecution. *L. Raym.* 927. Private book of entries.

5. By the 7 *J.* c. 12. No tradesman or handicraftſman ſhall be allowed to give his ſhop book in evidence, on an action for money due for wares delivered, or for work done, above one Shop book.

year before the action brought. But this not to extend to any trading between merchant and merchant, merchant and tradesman, or between tradesman and tradesman, for any thing directly falling within the compass of their mutual trades and merchandize.

In the case of *Pitman and Maddox*, 11 *W.* A shop book was allowed for evidence, it being proved that the servant that wrote the book was dead, and this was his hand, and he accustomed to make the entries, and no proof was required of the delivery of the goods; and *Holt C. J.* said, it was as good evidence as the proof of a witness's hand to an obligation: and he held, that tho' the statute of the 7 *J.* says, a shop book shall not be evidence after the year, yet it is not of it self evidence within the year. 2 *Salk.* 690.

Book of accounts.

6. A man's book of accounts is no evidence for the owner of the book, but for the adverse party; for his book cannot be of better credit than his oath, which would not serve in his own case. *Tr. per pais* 348.

Deed.

7. Every ancient deed proves it self, where possession has gone accordingly. But later deeds must be proved by witnesses. If the witnesses are dead, their handwriting must be proved. A deed cannot be proved by a copy; yet in cases of extremity, as where the deed was burnt, or lost by some such accident, the judges may at their discretion allow it to be proved by witnesses. *Wood* 1025.

And it was holden for law, by *Vernon* judge of assize, that where the defendant himself hath the deed which concerns the land in question, and will not produce it; in such a case, the copy thereof will be permitted to be given in evidence; and so it was, and the witness swore it once in his hand, and that the copy produced was a true copy of the deed, and himself did examine it. *Clayt.* 15.

And the counterpart of an ancient deed which is lost, may be good evidence with other circumstances; but not of it self, without other circumstances. 6 *Mod.* 225.

Indenture with the seals torn off.

8. An indenture to guide the uses of a common recovery, was offered in evidence, but the seals were torn off; yet it being proved to have been done by a little boy, it was allowed to be read. *Palm.* 402.

Will.

9. The probate of a will, under which a title to land is made, is not evidence; but the will it self must be produced. 1 *Keb.* 117.

Letters patents.

10. If upon collateral issue it is to be proved, that such a one was justice of the peace, baronet, or the like; common reputation is sufficient proof, without shewing the commission, or letters patent of the creation. *Tr. per pais* 347.

Indorsement of interest on a bond.

11. *M. 11 G. Serle* and Lord *Barrington*. The indorsement on a bond by the obligee, of payment of interest, was allowed to be given in evidence by his administrator, to take off the pre-judgment from the length of time. *L. Raym.* 1371.

Information before a justice of peace.

12. It seems settled, that the examination of an informer taken upon oath, and subscribed by him, either before a coroner upon

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六、研究目的

The following is a list of the names of the persons who have been appointed to the various offices of the County of Los Angeles, California, for the year 1900:

| Office | Name |
|--|-------------------|
| County Clerk | John W. Smith |
| County Treasurer | James H. Brown |
| County Assessor | William C. Jones |
| County Engineer | Robert L. White |
| County Surveyor | Charles E. Black |
| County Jailor | Thomas A. Green |
| County Coroner | George F. Hall |
| County Sheriff | Frank M. Adams |
| County Auditor | Edward D. King |
| County Registrar | John R. Lee |
| County Recorder | Samuel P. Clark |
| County Controller | David B. Scott |
| County Clerk of the Board of Supervisors | Henry J. Hill |
| County Clerk of the Board of Education | Charles K. Young |
| County Clerk of the Board of Health | John L. Davis |
| County Clerk of the Board of Public Works | William E. Wilson |
| County Clerk of the Board of Charities | Robert H. Taylor |
| County Clerk of the Board of Prisoners | George W. Baker |
| County Clerk of the Board of Lunatics | Thomas J. Miller |
| County Clerk of the Board of Indigent | Charles F. Moore |
| County Clerk of the Board of Paupers | John A. Smith |
| County Clerk of the Board of the Poor | James B. Brown |
| County Clerk of the Board of the Sick | William C. Jones |
| County Clerk of the Board of the Dying | Robert L. White |
| County Clerk of the Board of the Buried | Charles E. Black |
| County Clerk of the Board of the Dead | Thomas A. Green |
| County Clerk of the Board of the Living | George F. Hall |
| County Clerk of the Board of the Breathing | Frank M. Adams |
| County Clerk of the Board of the Thinking | Edward D. King |
| County Clerk of the Board of the Feeling | John R. Lee |
| County Clerk of the Board of the Wanting | Samuel P. Clark |
| County Clerk of the Board of the Having | David B. Scott |
| County Clerk of the Board of the Doing | Henry J. Hill |
| County Clerk of the Board of the Making | Charles K. Young |
| County Clerk of the Board of the Saying | John L. Davis |
| County Clerk of the Board of the Writing | William E. Wilson |
| County Clerk of the Board of the Reading | Robert H. Taylor |
| County Clerk of the Board of the Hearing | George W. Baker |
| County Clerk of the Board of the Seeing | Thomas J. Miller |
| County Clerk of the Board of the Tasting | Charles F. Moore |
| County Clerk of the Board of the Smelling | John A. Smith |
| County Clerk of the Board of the Feeling | James B. Brown |
| County Clerk of the Board of the Thinking | William C. Jones |
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upon an inquisition of death, or before justices of the peace, in pursuance of the statutes of *Ph. & M.* upon a bailment or commitment for any felony, may be given in evidence at the trial, if it be made out by oath to the satisfaction of the court, that such informer is dead, or unable to travel, or kept away by the means or procurement of the prisoner, and that the examination offered in evidence is the very same that was sworn before the coroner or justice, without any alteration whatsoever. *2 Harw. 429.*

But it hath been adjudged, that it is not sufficient to authorize the reading of such examination, to make oath that the prosecutors have used all their endeavours to find the witness, but cannot find him. *2 Harw. 430.*

But it is said to have been adjudged, by the court of king's bench, in the *7 W.* (1 *Salk. 281.*) upon advice with the justices of the common pleas, on an indictment for a *libel*, that depositions taken before a justice of the peace, relating to the fact, could not be given in evidence, tho' the deponent were dead; and that the reason why such depositions may be given in evidence in *felony*, depends upon the statutes of *P. & M.* and that this cannot be extended farther than the particular case of felony. But in the report of this case, *5 Mod. 165.* it is said, that the reason why such depositions could not be read, was because the defendant was not present when they were taken, and therefore had not the benefit of a cross examination. *2 Harw. 430.*

13. Depositions in *perpetuam rei memoriam*, are not evidence, so long as the witnesses live. *1 Salk. 286.*

14. A copy of an inscription on a grave stone, has been allowed to be given in evidence. *2 Roll's Abr. 686, 7.*

15. The examination of an almanack, that such a day of the month was *Sunday*, was ruled to be sufficient; and that a trial of this by a jury is not necessary, altho' it is a matter of fact. *Cro. El. 227.*

16. And an almanack wherein the father had writ the day of the nativity of his son, was allowed as evidence to prove the non-age of the son. *Roym. 84.*

17. The nomenclator of *Westminster* school was produced to prove, that the *Latin* word *capital* (used to signify a *coif*) is a noun substantive; and the court allowed that authority before *Rider's* dictionary. *E. 16 C. 2. Tr. per pais 25.*

18. *Camden's Britannia* was offered in evidence, to prove a particular custom, but refused; for the court held, that a general history might be given in evidence to prove a matter relating to the kingdom in general, because the nature of the thing requires it; but not to prove a particular right or custom: So in the case of *St. Katharine's* hospital, *Hale Ch. J.* allowed a chronicle to be evidence of a particular point of history in *Edward the third's* time: So a year book may be evidence, to prove the course of the court. And in this case it was admitted, that heralds books are good evidence as to pedigrees, and parish registers as to births and marriages, upon the nature of the thing. But in the exchequer, the question being whether the *Abbey de Sentibus* was an inferior abbey or not, *Dugdale's Monasticon* was refused for evidence,

evidence, because the original records might be had in the augmentation office. 1 *Salk.* 281. 7 *W. Stainer* and *The burgesses of Droitwich.*

Similitude of hands.

19. It seems to have been generally holden, since the reversal of the attainder of *Algernon Sidney*, that similitude of hands is not evidence in any criminal case, whether capital or not capital. 2 *Haw.* 431. 1. *Raym.* 39.

Letter.

20. Tho' one consent to have a letter read, yet the jury, on pain of attain, are not bound to find it. 1 *Keb.* 249.

III. Of the evidence of witnesses.

Confession.

1. It seems that the confession of the defendant, whether taken on an examination before justices of the peace, in pursuance of the 1 & 2 *P. & M. c.* 13. or 2 & 3 *P. & M. c.* 10. upon a bailment or commitment for felony, or taken by the common law upon an examination for other crimes not within those statutes, or in discourse with private persons, hath always been allowed to be given in evidence, against the party confessing, but not against others. 2 *Haw.* 429.

But wherever a man's confession is made use of against him, it must be all taken together, and not by parcels. 2 *Haw.* 429.

Witness of kin to the party.

2. It is to be observed, that there be many circumstances that disable a juror, that are not sufficient exceptions against a witness: Thus the exception of kindred, is a good cause of challenge against a juror, but not against a witness; therefore the father may be a competent witness for or against his son, or the son for or against his father. These and the like exceptions may be to the credit or credibility of the witness, but are not exceptions against his competency. 2 *H. H.* 276.

For, that I may observe it once for all, the exceptions to a witness are of two kinds, 1. Exceptions to the credit of the witness, which do not at all disable him from being sworn, but yet may blemish the credibility of his testimony; and in such case the witness is to be allowed, but the credit of his testimony is left to the jury. 2. Exceptions to competency of the witness, which do exclude him from giving his testimony, and of these exceptions the court is the judge. 2 *H. H.* 276, 277.

3. It seems agreed, that an attainder, judgment, or conviction of treason, felony, piracy, præmunire, perjury, or forgery on 5 *El.* and also a judgment in attain for giving a false verdict, or in conspiracy at the suit of the king; and also judgment for any crime whatsoever to stand in the pillory, or to be whipped or branded, are good causes of exception against a witness, while they continue in force. 2 *Haw.* 432.

But it is agreed, that no such conviction or judgment can be made use of to this purpose, unless the record be actually produced in court. 2 *Haw.* 433.

Also, it is a general rule, that a witness shall not be asked any question, the answering to which might oblige him to accuse himself of a crime; and that his credit is to be impeached only by general accounts of his character and reputation, and not by proofs of

Witness infamous.

MEMORANDUM

TO : Mr. Tolson
FROM : Mr. E. A. Tamm
SUBJECT: [Illegible]

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of particular crimes, whereof he never was convicted. 2 *Haw.* 433.

And a man shall not be permitted to swear, that he was suborned and perjured. *St. Tr. V. 3.* 427.

And Lord *Coke* says, a witness alledging his own infamy or turpitude, is not to be heard. 4 *Inst.* 279.

It seems clear at this day, that outlawry in a personal action is not a good exception against a witness, as it is against a juror. 2 *Haw.* 433.

A person convicted of felony, who is admitted to his clergy, and burnt in the hand, is thereby re-enabled to be a witness. 2 *Haw.* 433.

And it seems agreed, that the king's pardon of treason or felony, after a conviction or attainder restores the party to his credit. 2 *Haw.* 433.

4. It seems agreed to be a good exception, that a witness is an infidel; that is, as it seemeth, that he believes neither the old nor new testament to be the word of god, on one of which our laws require the oath should be administered. 2 *Haw.* 434. Witness an infidel.

5. Want of discretion is a good exception against a witness; on which account alone it seems, that an infant may be excepted against. 2 *Haw.* 434. Witness wanting discretion.

But if an infant be of the age of 14 years, he is as to this purpose of the age of discretion, to be sworn as a witness; but if under that age, yet if it appear, that he hath a competent discretion, he may be sworn. 2 *H. H.* 278.

And in many cases an infant of tender years may be examined without oath, where the exigence of the case requires it; which possibly, being fortified with concurrent evidences, may be of some weight; especially in cases of rape, buggery, and such crimes as are practised upon children. 2 *H. H.* 279, 284. *Str.* 700.

6. It seems an uncontested rule in all cases, that it is a good exception against a witness, that he is either to be a gainer or loser by the event of the cause, whether such advantage be direct and immediate, or consequential only. 2 *Haw.* 433. Witness interested.

Thus in an information upon the statute of usury, the party to the usurious contract shall not be admitted to be a witness against the usurer, for in effect he should be witness in his own cause, and should avoid his own bonds and assurances, and discharge himself of the money borrowed. 1 *Inst.* 6.

Thus also an attorney ought not to be examined against his client, because he is obliged to keep his secrets: but of his own knowledge before retainer, he may be examined as a witness, if served with a subpoena. *Wood* 1028.

But upon an indictment for battery, or the like, the party grieved may be a witness against the defendant, because the prosecution is at the suit of the king. *Wood* 1096.

Also it seems agreed, that it is no good exception against a witness, that he has a maintenance from the king; for every one may maintain his own witnesses. 2 *Haw.* 434.

Thus also, one commoner may be a witness for another claiming common, because in effect it charges himself; that is to say,

he admits another to have common with himself. But if the prescription be, that all the inhabitants of such a place ought to have common there, one of the inhabitants cannot be a witness, to prove that another of the said inhabitants ought to have common there, because in effect he would swear to give himself right of common there. *L. Raym.* 731.

In evidence to a jury at bar, a special issue by rule of court was directed to try the custom of lady *Percie's* manor of *Westwood* in *Cumberland*, whether fines on the tenants on their lord's death, be due to the heirs or successors of the lord, during his minority; the defendant excepted to the steward, because he had a fee on admission, but it was not allowed, and he was sworn. 3 *Kebl.* 90.

A witness's laying a wager in the cause, is no hindrance to his being a witness; for the other has an interest in his evidence, which he cannot deprive him of. *Farrist.* 31. *Str.* 652.

If a person apprehends himself to be interested, though in strictness of law he is not, yet he ought not to be sworn: as where the witness for the plaintiff apprehended that if the plaintiff should recover, he would remit a claim of some money which he (the plaintiff) had upon this witness; but if he should not recover, he would not remit it; although in strictness of law, his recovering or not recovering in that case would not alter the claim: or as in case where the witness owned himself to be under an honorary, though not under a binding engagement, to pay the costs. *Str.* 129.

Husband and wife.

7. It seems agreed, that the husband and wife being as one and the same person in affection and interest, can no more give evidence for one another, in any case whatsoever, than for themselves; and that regularly the one shall not be admitted to give evidence against the other, nor the examination of the one be made use of against the other, by reason of the implacable dissension which might be caused by it, and the great danger of perjury from taking the oaths of persons under so great a bias, and the extreme hardship of the case. Yet some exceptions have been allowed in cases of evident necessity; as in the lord *Audley's* case, who held his wife, while his servant by his command ravished her; or where a man is indicted for a forcible marriage on the statute of the 3 *H.* 7, or where either a husband or wife have cause to demand sureties of the peace against the other. 2 *Haw.* 431, 432.

Judge or juror being a witness.

8. It seems agreed, that it is no exception against a person's giving evidence either for or against a prisoner, that he is one of the judges or jurors who are to try him. 2 *Haw.* 432.

Witness being an accomplice.

9. It has been long settled, that it is no exception against a witness, that he hath confessed himself guilty of the same crime, if he hath not been indicted for it; for if no accomplices were to be admitted as witnesses, it would be generally impossible to find evidence to convict the greatest offenders. 2 *Haw.* 432.

Also it hath been often ruled, that accomplices who are indicted, are good witnesses for the king, until they be convicted. 2 *Haw.* 432.

Also

Also it hath been often adjudged, that such of the defendants in an information, against whom no evidence is given, may be witnesses for the others. 2 *Harv.* 432.

It hath been also adjudged, that where three persons are sued in three several actions on the statute for a supposed perjury in their evidence concerning the same thing, they may be good witnesses in such actions for one another. 2 *Harv.* 432.

10. It seems agreed, that it is no good exception against a witness an alien or bondman, that he is an alien, or villein, or bondman. 2 *Harv.*

434.

11. If a man be over sea, or dead, the party shall be admitted to prove his hand by witnesses, or comparing it with other writing. *Tr. per p.* 301. Witness over sea, or dead.

The sayings of a dead man are not to be given in evidence to prove a particular fact; they are only to be admitted in proof of general usages and customs; but as for a particular fact, lying in the knowledge of a particular person, by his death the evidence is lost. *St. Tr. V.* 5. 456.

And it hath been agreed, that the evidence given by a witness at one trial, cannot in the ordinary course of justice be made use of against a defendant, on the death of such witness at another trial. 2 *Harv.* 430.

12. It seems agreed, that what a *stranger* has been heard to say, is in strictness no manner of evidence, either for or against a prisoner, not only because it is not upon oath, but also because the other side hath no opportunity of a cross examination; and therefore it seems a settled rule, that it shall never be made use of, but only by way of inducement or illustration of what is properly evidence: yet it seems, that what the *prisoner* has been heard to say at another time, may be given in evidence, either to invalidate or confirm the testimony which he gives in court, 2 *Harv.* 431. Hearsay.

IV. Of process to cause witnesses to appear.

1. The compulsory means to bring in witnesses, are of two kinds. 1. By process of *subpœna* (A) issued in the king's name, by the justices, or others, where the trial is to be. 2. Which is the more ordinary and more effectual means (in criminal cases), the justices that take the examination of the person accused, and the information of the witnesses, may at that time, or at any time after, and before the trial, bind over (B) the witnesses to appear at the sessions, and in case of their refusal either to come, or to be bound over, may commit them for their contempt in such refusal. 2 *H. H.* 282. Two ways of causing witnesses to appear.

2. But that which is a great defect in this part of judicial administration, is, that there is no power to allow witnesses their charges in criminal cases; whereby many times poor persons grow weary of attendance, or bear their own charges therein, to their great hindrance and loss. 2 *H. H.* 282. Charges of witnesses.

That is to say, unless it be in the case of grand or petit larceny, or other felony; for in such cases, by the statute of the

25 G. 2. c. 36. reasonable charges shall be allowed by the court to the prosecutor upon conviction, to be paid by the treasurer out of the county rates.

And by the statute of the 27 G. 2. c. 3. When any poor person shall appear on recognizance in any court to give evidence against another accused of grand or petit larceny or other felony, the court may, at the prayer, and on the oath of such person, and on consideration of his circumstances, order the treasurer to pay him such sum as they shall think reasonable for his time, trouble, and expence; which order the proper officer shall make out for the fee of 6 d. except in *Middlesex*, where the same shall be paid by the overseers of the poor where the person was apprehended.

Where a witness is a prisoner in execution.

3. Where a witness is a prisoner in execution for debt, he must be brought up by *habeas corpus ad testificandum*, to give his evidence. *St. Tr. V. 2. 580. V. 4. 37.*

Witness how far privileged against an arrest.

4. One was subpoenaed *ad testificandum*, and prayed a privilege from being arrested, which was granted; and by the court, it will supersede an arrest upon mean process, but not upon an execution; yet the sheriff in that case may be committed for his contempt. *Nevil's case, 15 C. 2. Tr. per p. 310.*

Penalty of a witness not appearing.

5. By the 5 *El. c. 9. f. 12.* If any person, upon whom any process out of any of the courts of record within this realm shall be served, to testify or depose concerning any matter depending therein, and having tendred unto him, according to his countenance or calling, such reasonable sum for his costs and charges, as (having regard to the distance of the places) is necessary to be allowed in that behalf, do not appear according to the tenor of the process, having not a lawful and reasonable impediment; he shall forfeit 10 l. and shall yield such further recompence to the party grieved, as to the judge of the court, out of which the process was awarded, shall seem meet, according to the loss that the party which procured the process shall sustain; to be recovered by the party grieved, in any court of record.

In the case of *Wyat and Winkford, 2 G. 2.* A motion was made for an attachment against a person, for not attending at the assizes to give his evidence, being subpoenaed, and having received one guinea for his charges, and being promised to have one guinea a day while there, and his charges paid. And a rule was made to shew cause. And afterwards cause was shewed, that an attachment ought not to go, but the party injured had his action upon the statute of *Eliz.* but the court thought, that it was a good foundation for an attachment, the disobedience to the subpoena being a contempt to the court; and tho' an action might be brought on the statute, yet that was a more dilatory method, and more difficult to proceed in, which encouraged witnesses not attending frequently upon trials, at which they were subpoenaed to appear and give evidence. And therefore the rule was made absolute. *L. Raym. 1529.*

E. 14 G. 2. Chapman and Pointon. A witness was served with a subpoena at *Chobser*, to attend the sittings at *Guildhall*, and two guineas were tendred by the person who served it, and being objected to as too little, he declared he would give no more. The
witness

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witness not coming up, an attachment was moved for; but on shewing cause was discharged: the court saying it was too little, and that the witness is not obliged to trust to the court's allowing him more when he comes to the book; for perhaps the party may not call him, and then it may be difficult for him to get home again: that this way of punishing as for a contempt was new, and practised only in this court; the common pleas not doing it to this day, but leaving the party to his remedy on the 5 *El. c. 9.* and therefore they would not enter into any nice calculations of the expence, but confined their inquiry to the question, whether the non-attendance was through obstinacy or not. *Str. 1150.*

And, by the court, in the case of *Hammond and Stewart, H. 8 G.* the witnesses ought to have a reasonable time, to put their affairs in order, that their attendance upon the court may be as little prejudice to themselves as possible. *Str. 510.*

In criminal cases, if a witness hath been bound over, and do not appear; he shall forfeit his recognizance.

V. Of the manner of giving evidence.

1. He who affirms the matter in issue, whether plaintiff or defendant, ought to begin to give evidence. *Litt. 36. Goldf. 23.* Which party shall begin the evidence.

2. The evidence both for and against a prisoner, ought to be upon oath. Evidence to be upon oath.

And if a peer is produced as a witness, he ought to be sworn. *3 Keb. 61.*

Lord *Preston* was committed by the court of quarter sessions, for refusing to be sworn to give evidence to the grand jury, on an indictment of high treason; and on his being brought by *habeas corpus* into the king's bench, *Holt Ch. J.* said, it was a great contempt, and that had he been there, he would have fined him, and committed him till he paid the fine; but being otherwise, he was bailed. *1 Salk. 278.*

But a quaker's affirmation in all cases not being criminal, shall be allowed as evidence, without an oath; but in criminal cases, his affirmation shall not be allowed. *7 & 8 W. c. 34.*

3. The court may indulge a prisoner in examining the witnesses apart, but he cannot demand it of right. *St. Tr. V. 4, 9.* Witnesses may be examined apart.

4. In cases of life, no evidence is to be given against a prisoner, but in his presence. *2 Harv. 428.* Evidence to be given in the prisoner's presence.

5. Witnesses cannot testify a negative, but only an affirmative. *Wood 1026.* Witnesses cannot testify a negative.

6. A prisoner may not call witnesses to disprove what his own witnesses have sworn. *St. Tr. V. 2. 764, 792.* A man shall not disprove his own witnesses.

7. A witness shall not be permitted to read his evidence, but he may look upon his notes to refresh his memory. *St. Tr. V. 4, 45.* Whether a witness may read his evidence.

8. A witness shall not be cross examined, till he has gone thro' the evidence for the party on whose side he was produced. *St. Tr. V. 2. 792.* When he may be cross examined.

Variance,

9. It hath been admitted, that in order to shew a variance in the evidence, a deposition taken by a witness before a justice of the peace, may at the prisoner's desire be read at the trial, in order to take off the credit of the witness, by shewing a variance between such depositions, and the evidence given in court. And for the same reason it seems agreed, that where a witness at one trial varies from his own evidence at another, in relation to the same matter, such variance may also be given in evidence to invalidate his testimony at the second trial. *2 Harw. 430.*

Which party
shall conclude.

10. The counsel of that party which doth begin to maintain the issue, ought to conclude. *Tri. p. pais 220.*

A. Subpœna to give evidence.

GEORGE the second, by the grace of god, of Great Britain, France and Ireland, king, defender of the faith, and so forth. To A. B. C. D. and E. F. greeting: We command you, and every of you, that all business being laid aside, and all excuses whatsoever ceasing, ye do in your proper persons appear before our justices assigned to keep the peace in our county of ——— and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, at the general quarter sessions of the peace, to be holden at ——— in and for the said county, on ——— the ——— day of ——— at the hour of ten in the forenoon of the same day, to testify the truth, and give evidence on behalf of the inhabitants of the parish of ——— in the said county, against A. O. in a case of bastardy. And this you are in no wise to omit, nor any of you to omit, on pain of one hundred pounds. Witness Sir James Lowther, baronet, the ——— day of ——— in the ——— year of our reign. C.

Note; There may be four witnesses put in one subpœna.

A subpœna ticket,

To Mr. A. W.

BY virtue of his majesty's writ of subpœna to you directed, and herewith shewn to you, you are personally to be before his majesty's justices of the peace for the county of ——— at the general quarter sessions of the peace to be holden for the said county, at ——— in the said county, on ——— the ——— day of ——— next, to testify the truth, and give evidence on behalf of the inhabitants of the parish of ——— in the said county, against A. O. in a case of bastardy. And this you are not to omit, upon pain of one hundred pounds. Dated this ——— day of ——— 1753.

By the court.

C.

B. Condition of a recognizance to appear and give evidence.

THE condition of this recognizance is such, that if the above-bound A. W. shall personally appear at the next general quarter sessions of the peace to be holden at ——— in and for the said county, and then and there give such evidence as he knoweth, upon a bill of indictment to be exhibited by A. I. of ——— yeoman, to the grand jury, against A. O. late of ——— in the said county, yeoman, for the feloniously taking and carrying away ——— the property of ——— and in case the said bill be found a true bill, then if the said A. W. shall then and there give evidence to the jurors that shall pass on the trial of the said A. O. upon the said bill of indictment, and not depart thence without leave of the court, then this recognizance to be void, otherwise of force.

Examination.

IF a felony is committed, and one is brought before a justice upon suspicion thereof, and the justice finds upon examination that the prisoner is not guilty; yet the justice shall not discharge him, but he must either be bailed or committed: for it is not fit that a man once arrested and charged with felony, or suspicion thereof, should be delivered upon any man's discretion, without farther trial. *Dalt. c. 164.*

In order to which bail or commitment, the examination and information of the parties must first be taken, according to the following statutes:

Two or more justices (1 Q.) or one of the said justices, before they bail a person apprehended for felony (if the offence is bailable) shall take his examination (A) and the information (B) of them that bring him, of the fact and circumstances thereof, and the same, or as much thereof as shall be material to prove the felony, shall put in writing; which examination they shall certify (together with the bailment) at the next general gaol delivery, to be holden within the limits of their commission. 1 & 2 P. & M. c. 13. s. 4.

And they shall have power to bind by recognizance (C) all such as do declare any thing material to prove the offence, to appear at the next general gaol delivery, to be holden within the county where the trial shall be, then and there to give evidence against the party; and shall certify such recognizance in like manner. s. 5.

And if they offend in any thing herein, they shall be fined by the justices of gaol delivery. id.

In like manner, where the person is not bailed, but committed to ward, the justice or justices who commit him, shall before such commitment, take the like examination and information, and shall put the same in writing within two days after the said examination, and shall

shall in like manner bind over the witnesses; and certify the whole as above. 2 & 3 P. & M. c. 10.

Shall take his examination] And in order thereunto, if by some reasonable occasion, the justice cannot at the return of the warrant take the examination, he may by word of mouth command the constable or any other person, to detain in custody the prisoner till the next day, and then to bring him before the justice, for farther examination. And this detainer is justifiable by the constable or any other person, without shewing the particular cause for which he was to be examined, or any warrant in writing. 1 H. H. 585.

But the time of the detainer must be no longer than is necessary for such purpose; for which it is said, that the space of three days is a reasonable time. 2 Harw. 119.

But the examination of the person accused, ought not to be upon oath. 1 H. H. 585.

But if upon his examination he shall confess the matter, it shall not be amiss that he subscribe his name, or mark to it. Dalt. c. 164.

Which examination being voluntary, and sworn by the justice or his clerk to be truly taken, may be given in evidence against the party confessing, but not against others. 1 H. H. 585. 2 Harw. 429.

Information of them that bring him] Or of other witnesses; whom the justice may bring before him by his warrant (D) for that purpose. 1 H. H. 586. Dalt. c. 164.

And this information must be upon oath. Dalt. c. 164. 1 H. H. 586.

And therefore if a quaker is a witness, his affirmation must not be taken in this case; for by the 7 & 8 W. c. 34 s. 36. it is provided, that no quaker shall be examined for or against any person in any criminal cause, unless it be upon oath.

And the said information being upon the trial sworn to be truly taken, by the justice or his clerk, may be given in evidence against the prisoner, if the witnesses be dead and not able to travel. 1 H. H. 586.

Or as much thereof as shall be material to prove the felony] Yet it seemeth also just and right, that the justices who take information against a felon, or person suspected of felony, should take and certify as well such information, proof, and evidence, as goeth to the acquittal or clearing of the prisoner, as such as maketh against the prisoner: for such information, evidence, or proof so taken, is only to inform the king and his justices of the truth of the matter. Dalt. c. 165.

Shall certify at the next gaol delivery] And yet for petty larcenies, and small felonies, the offenders may be tried at the quarter sessions, and the examinations and informations may be certified thither. Dalt. c. 164.

To be holden within the limits of their commission] And yet examinations taken by justices of the peace in one county, may be by

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FROM : THE SECRETARY

SUBJECT : THE SECRETARY

DATE : THE SECRETARY

RE : THE SECRETARY

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by them certified in another county, and there read, and given in evidence against the prisoner. *Dalt. c. 164.*

To bind by recognizance] And upon refusal, may commit the person refusing. *1 H. H. 586.*

And the parties grieved ought to be bound, not only to give evidence, but also to prefer a bill of indictment against the prisoner. *Dalt. c. 164.*

A. Examination of a felon.

Westmorland. **T**HE examination of A. O. of ——— yeoman, taken before me Lancelot Pattenfon, clerk, one of his majesty's justices of the peace for the said county [or, in the case of bail, —taken before us ——— two of his majesty's justices of the peace for the said county, and one of us of the Quorum] the ——— day of ——— in the ——— year of the reign of ———

The said A. O. being charged before me [or, us] by A. I. of ——— yeoman, with the felonious stealing out of the house of the said A. I. at ——— on the ——— day of ——— the following goods, to wit, ——— to the value of ——— he the said A. O. upon his examination now taken before me [or us] confesseth that ——— [or, denieth that ———] &c.

B. Information of a witness.

Westmorland. **T**HE information of A. I. of ——— yeoman, taken upon oath before me [as before]

C. Recognizance to give evidence.

Westmorland. **B**E it remembered, that on the ——— day of ——— in the ——— year of the reign of ——— A. I. of ——— in the said county, yeoman, did come before me Lancelot Pattenfon, clerk, one of the justices of our said lord the king, assigned to keep the peace in the said county, and did acknowledge himself to owe to our said lord the king ten pounds of lawful money of Great Britain, under condition, that if he shall personally appear before the justices of our said lord the king, at the next general quarter sessions of the peace [or, gaol delivery] to be holden in and for the said county, then and there to give evidence in behalf of our said lord the king, against A. O. late of ——— who being attached, and suspected of felony, is now committed to the gaol of our said lord the king in the said county, that then this recognizance to be void, otherwise of force.

Or thus, to prefer a bill of indictment, and give evidence.

Westmorland. **B**E it remembered, that on the ——— day of ——— in the ——— year of the reign of ——— A. I. of ——— in the said county, yeoman, personally came

came before me Lancelot Pattenfon, clerk, one of the justices of our said lord the king, assigned to keep the peace in the said county, and acknowledged himself to owe to our said lord the king the sum of—— of good and lawful money of Great Britain, to be made and levied of his goods and chattels, lands, and tenements, to the use of our said lord the king, his heirs, and successors, if he the said A. I. shall fail in the condition indorsed.

J. P.

The condition of the within written recognizance is such, that whereas one A. O. late of —— was this present day brought before the justice within mentioned by the within bounden A. I. and was by him charged with the felonious taking and carrying away —— of the goods of him the said A. I. and thereupon was committed by the said justice to the common gaol in and for the said county: If therefore he the said A. I. shall and do at the next general quarter sessions of the peace [or, gaol delivery] to be holden in and for the said county, prefer, or cause to be preferred, one bill of indictment of the said felony against the said A. O. and shall then also give evidence there concerning the same, as well to the jurors that shall then inquire of the said felony, as also to them that shall pass upon the trial of the said A. O. that then the said recognizance to be void, or else to stand in full force for the king.

D. Warrant for a witness.

Westmorland { To the constable of ——

WHEREAS oath hath been made before me —— one of his majesty's justices of the peace in and for the said county, by A. I. of —— yeoman, that he the said A. I. was lately robbed at —— and that he hath good cause to believe that A. W. of —— is a material witness to prove by whom the said robbery was committed: These are therefore to require you to cause the said A. I. forthwith to come before me, to give such information and evidence as he knoweth concerning the said offence, that such further proceeding may be had therein, as to the law doth appertain. Given under my hand and seal at —— in the said county, the —— day of ——

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Excise and Customs.

AS the customs and excise, so far as justices of the peace, constables and other peace officers, are concerned therein, are in some measure connected and interwoven with each other; it is thought proper here to represent them together, that the reader may at once have a full and distinct comprehension of the whole.

- I. Of the customs in general.
- II. Of the excise in general.
- III. Of the several goods in particular, under the management of the commissioners of the customs and excise.

I. Of the customs in general.

Note; There are two books of rates for ascertaining the values of goods on importation, according to which the customs shall be paid; the one, signed by Sir Harbottle Grimston, baronet, speaker of the house of commons, referred to, established, and confirmed, by the act of tonnage and poundage 12 C. 2. c. 4. The other, signed by Spencer Compton, esquire, speaker of the house of commons, being an additional book of rates of goods imported, not particularly specified in the former book of rates: The latter of which, as being part of the act it self, is inserted in the statutes at large, 11 G. c. 7. but the former, altho' it is as necessary to be known, yet being no part of the act, is not inserted therein; but may be found in *Cay's* abridgment.

1. When any commission shall be issued for constituting commissioners of the customs, two of them first named in the commission shall be sworn before the chancellor, or chief baron of the exchequer, or master of the rolls, *for the true and faithful execution, to the best of their knowledge and power, of the trust committed to their charge and inspection, and that they will not take or receive any reward or gratuity, directly or indirectly, other than their salaries, and what shall be allowed them from the crown, or the regular fees established by law, for any service to be done, in the execution of their employment in the customs, on any account whatsoever.* 6 W. c. 1. s. 5.

Appointing and swearing commissioners.

And every other of the commissioners and patent officers, and every of their deputies, clerks, or servants, and all other officers who shall have any employment in or about the customs, shall at their admission, if it is within the ports of London, take the said oath before two commissioners; and elsewhere, before two justices of the peace in the county, town, or place, where his employment

ment shall be: And every person not taking such oath, shall forfeit his office. *id.*

And the persons hereby respectively authorized to administer the oath, shall certify the taking thereof, to the next sessions to be held for the county or place where the oath was administered, to be kept amongst the records. *id.* *f.* 6.

In what cases
they only can
make seizures.

2. By the 13 & 14 C. 2. c. 11. No ship or goods shall be seized as forfeited for unlawful importation or exportation, or non-payment of customs, but by officers of the customs. *f.* 15.

But by the 8 G. c. 18. Spirituous liquors, *British* or foreign, and all foreign excisable liquors forfeited, together with the casks or other package, may be seized by any officer of the customs or excise, or by such persons as shall be deputed by warrant from the lord treasurer, or under treasurer, or by special commission under the great or privy seal; but by no other person. *f.* 24.

And therefore no others have power, unless where it is specially given, as it is in some cases hereafter following, by statute.

Isle of man, as
to customs.

3. No drawback shall be allowed for goods exported to the *Isle of Man*; and none shall be imported from thence, but of the produce thereof. 12 G. c. 28. *f.* 21, 22, 23.

Shipping or land-
ing goods with-
out warrant.

4. If any goods shall be laden or taken in from the shoar, into any barge, hoy, wherry, or boat, to be carried aboard any ship outward bound; or laden or taken in out of any ship coming in from foreign parts, without a warrant and presence of an officer of the customs; such barge, hoy, wherry, or boat shall be forfeited; and the wharfinger offending shall forfeit 100*l.* and the master, purser, boatswain, or other mariner of any ship inward bound, consenting thereunto, shall forfeit the value of the goods so unshipped; half to the king, and half to him that shall sue. 13 & 14 C. 2. c. 11. *f.* 7.

And if any carman, porter, waterman, or other person, shall assist in the taking up, landing, shipping off, or carrying away, any such goods; such person, being apprehended by the warrant of any justice of the peace, and the same being proved by the oath of two witnesses, the said offender for the first offence shall by the justice be committed to the next gaol, there to remain till he find surety of the good behaviour for so long time until he be discharged by the lord treasurer, chancellor, under treasurer, or barons of the exchequer; and for a second offence, he may by any justice of the peace as aforesaid, be committed to the next gaol, there to remain for two months without bail, or until he shall pay to the sheriff 5*l.* for the king's use, or until he shall be discharged by the court of exchequer as aforesaid. *id.*

Power of justices
in case of ships,
cattle, and car-
riages forfeited.

5. And here, on occasion of the forfeiture of the boat or vessel, mentioned in the preceding section, it is proper to take notice of a general clause in the statute of 8 G. c. 18. which brings the cognizance not only of the said forfeiture, but also of several others hereafter following, under the jurisdiction of the justices of the peace, and consequently enlarges considerably this title relating to the customs; to wit, In regard that the keeping and maintaining the horses seized, from the time of seizure, to the time of condemnation in the court of exchequer, is very chargeable, and the charge

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charge of condemning such vessels, boats, and horses, is very great; therefore it is enacted, that all seizures of vessels or boats of 15 tons or under, by virtue of any act relating to the customs, for carrying uncustomed or prohibited goods, or for relanding debenture goods; and all seizures of horses, or other cattle, or carriages for carrying such goods, may be heard and determined in such manner as is appointed by the act of 6 G. c. 21. except as therein excepted; that is to say, All such seizures may in a summary way be determined by two justices of the peace residing near the place where the seizure is made; who shall summon the party accused, and on appearance or default proceed to hear and give judgment, and issue warrants for sale of such as shall be by them condemned: whose judgment shall not be liable to any appeal or *certiorari*. 8 G. c. 18. f. 16.

6. And by the 9 G. 2. c. 35. In trials of seizures, the justices shall proceed to the merits of the cause, without inquiring into the form or manner of seizure. f. 34. Justices on trial to proceed on the merits.

7. And if any question shall arise, whether any person be an officer of the customs, proof shall be admitted, that such person was reputed to be, and had acted in such office, and at the time when the matter in controversy was done, without proving or producing the commission. 11 G. c. 30. f. 32. Officer on trial need not prove his commission.

8. And if any dispute shall arise, whether the customs have been paid; the proof shall lie on the owner, and not on the officer. 12 G. c. 28. f. 8. Proof to lie on the owner.

9. If any foreign goods specified in any certificate, whereupon any drawback is to be made, or debenture to be made forth for any such drawback, shall not be really and *bona fide* shipped and exported (danger of the seas and enemies excepted), or shall be landed again, unless in case of distress to save the goods from perishing, which shall presently be made known to the principal officers of the port; then not only all such certificate goods shall be forfeited, but also the person relanding the same, or concerned therein, or to whose hands they shall knowingly come, or by whose privity they are relanded, shall forfeit double value of the drawback, together with the vessels, boats, horses, cattle, and carriages, made use of in landing or carrying the same; half to the king, and half to him that shall inform, seize, or sue in the courts at *Westminster*. 8 An. c. 13. f. 16. But by the clause above-mentioned, the boats, cattle, and carriages, may be recovered before the justices of the peace. Goods relanded after drawback.

10. By the 8 An. c. 7. If any goods shall be unshipped, with intention to be landed, without paying customs, or if any prohibited goods shall be imported; then not only the said goods shall be forfeited, but also the persons assisting or concerned therein, or to whose hands they shall come, shall forfeit treble value, together with the vessels, boats, horses, and other cattle, and carriages; half to the king, and half to him that shall seize or sue. f. 17. Unshipping with intent to land.

11. Any person authorized by writ of assistants out of the exchequer, may take a constable or other publick officer near, and in the day time enter any house or place, and in case of resistance

Goods passing
may be stopped
and seized.

break open doors, chests, and other package, there to seize, and from thence to bring goods prohibited and uncustomed, and secure them in the king's warehouse. 13 & 14 C. 2. c. 11. §. 5.

12. If prohibited or customable goods shall be found by any officer of the customs, in a bark, hoy, lighter, barge, boat, or wherry on the water; or coming directly from the water side, without the presence of an officer; or if such goods shall, on information of a credible person, be found in any house or place, on search made as by the said statute of 13 & 14 C. 2. c. 11. such officer may stop and put the said goods in the king's warehouse, until the claimer shall make proof before the commissioners, if it be in the port of *London*, that the duties have been paid or secured, or that the same had been bought in a lawful way of trade, and that such person verily believes the duties to have been paid, or that the said goods had been compounded for, or condemned in the exchequer, or been otherwise delivered by writ of that court, and that the prohibited goods had been compounded for, or condemned, or otherwise delivered, as aforesaid; in which case, the goods shall be delivered without delay or charge. And if the goods be stopped in any other port, the claimer shall make the like proof and deliver the same to the collector, or in his absence to one of the other principal officers of the port, which proof shall forthwith be transmitted to the commissioners for their directions touching the delivery of the goods, or for seizing the same and prosecution. 6 G. c. 21. §. 39.

Provided such proof be made within ten days; in failure whereof the goods may be seized and prosecuted as by the laws against the importation of prohibited or uncustomed goods. §. 40.

If on such prosecution, where no application hath been made to the commissioners or officers aforesaid, and not otherwise, the property of the goods shall be claimed, and the question shall arise whether the duties were paid, or the goods had been compounded for, or condemned, or otherwise delivered by writ out of the exchequer, or bought in a lawful way of trade, the proof shall lie on the claimer; and if the claimer recovers his goods, he shall have costs likewise, which shall be reckoned as a full satisfaction for damages. §. 41.

Where the claimer shall make proof, either by oath before a justice of the peace, or otherwise, to the satisfaction of the commissioners or officers of the customs, so as to induce them to order a delivery of the goods, and if the owner shall receive any damage by such stop; he may bring his action for his reasonable damages. §. 42.

But the officer, if he pleases, may prosecute, notwithstanding the directions of the commissioners; in which case he shall be liable to be sued by the owner for recovery of his goods with full costs: or if the commissioners shall give no directions for delivery of the goods, the owner nevertheless may sue for them with costs and damages. §. 43.

Goods taken in
at sea.

13. If any foreign goods shall be taken in at sea, or put out of any ship, within four leagues from the coast, without payment of the customs and other duties (unless in case of necessity, or for a lawful

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lawful reason, of which the master shall give immediate notice and make proof, before the chief officer of the customs of the first port where he shall arrive); the same shall be forfeited, and every person aiding or concerned therein shall forfeit treble value; and the vessel into which the same shall be taken, shall be forfeited, not exceeding 100 tuns; and the master of the vessel out of which they are taken, shall also forfeit treble value; half to the king, and half to him that shall seize or sue. 9 G. 2. c. 35. s. 23.

14. Any officer of the customs or excise (producing his warrant or deputation, if required) may go on board any coasting vessel, and search for prohibited and uncustomed goods, and continue on board during the vessel's stay within the limits of the port; and if any person shall obstruct him, he shall forfeit 100 l. 9 G. 2. c. 35. s. 29.

Officers may search coasting vessels.

15. On oath made before a justice of the peace, that any person is lurking within five miles of the sea coast or any navigable river, and there is reason to suspect that he waits with intent to be aiding in running of goods, the justice may grant his warrant to bring him before him; and if he shall not give a satisfactory account of himself and his employment, or otherwise make it appear that he is not concerned in any clandestine or unlawful business, he shall be committed to the house of correction, to be whipt and kept to hard labour not exceeding one month: And the commissioners of the customs or excise shall cause to be paid to the informer a reward of 20 s. for each offender. 9 G. 2. c. 35. s. 18.

Persons lurking within five miles of the coast.

But if such person shall desire time for clearing himself, he shall not be punished by whipping or other correction, but committed to the common gaol till he shall so do, or till he find security not to be guilty of any the said offences. s. 19.

16. If any person shall knowingly receive or buy any run goods; he shall on conviction (after summons) by confession or oath of one witness, before one justice where the offence shall be committed or the offender shall be found, forfeit 20 l. half to the informer, and half to the poor, by distress; for want of distress, to be committed to prison for three months. 8 G. c. 18. s. 10.

Buying or receiving run goods.

17. And by the 11 G. c. 30. If any person shall harbour, keep, or conceal, or suffer to be harboured, kept, or concealed, any prohibited or run goods, liable to pay customs; he shall (whether he claim any property in them or not) forfeit the same, and treble value, to be recovered and mitigated as by the laws of excise, or in the courts at *Westminster*, half to the king, and half to him that shall sue. s. 16.

Concealing run goods.

18. And if any person shall offer to sale any prohibited goods, or which have been, or are by him pretended to have been run; the same, together with the package shall be forfeited, and be seized by the party to whom they are offered to sale, or by any officer of the customs or excise: Provided that if the seizure is within the bills of mortality, then within 24 hours, if elsewhere, within 48 hours, they be put into the king's warehouse near the place of seizure, and if it be far from any such warehouse, then in some excise office near. 11 G. c. 30. s. 18.

Offering to sale run goods.

And the person offering them to sale, shall also forfeit treble value. *f. 19.*

And the said goods, if sold, may be seized (with the package) from the buyer, either by the feller or any such officer. *f. 20.*

And the buyer shall also forfeit treble value. But both buyer and seller shall not be prosecuted for the same goods, but whether of them shall first prosecute the other shall be discharged; but if prosecution shall not be commenced in a month, the warehouse keeper may prosecute. *f. 21.*

Which said forfeitures shall be recovered and mitigated as by the laws of excise, or in the courts at *Westminster*; half to the king, and half to him that shall sue. *f. 39.*

Porter carrying
run goods.

19. All porters, and others, knowingly carrying run or prohibited goods, and who shall be convicted thereof (on appearance or default) on the oath of one witness, or confession, before one justice where the offence shall be committed, or the offender found, shall forfeit treble value, half to the informer, and half to the poor, to be levied by distress by warrant of such justice, and for want of distress to be committed to the house of correction, to be whipt and kept to hard labour not exceeding three months. 9 G. 2. c. 35. *f. 21.*

Persons armed or
disguised carry-
ing run goods.

20. Persons passing with foreign goods landed without entry, within 20 miles of the coast, if they be more than five in number, or armed, or disguised, or who shall forcibly resist the officers of the customs or excise in seizing run goods, shall be guilty of felony, and transported for seven years. 8 G. c. 18. *f. 6.*

But if any offender shall in two months after his offence, and before conviction, discover his accomplices, so as two or more be convicted; he shall have a reward of 40*l.* if the value of the run goods exceed 50*l.* and shall be acquitted. *f. 7.*

And any other person discovering any one offender, in three months, so as he be convicted, shall have in like manner 40*l.* over and above what he may be intitled to on account of the said run goods. *f. 8.*

And by the 9 G. 2. c. 35. Persons being two or more in company, who shall be found passing within five miles from the coast, or from any navigable river, with one or more horses, or with any cart or carriage, whereon there shall be laden more than six pounds of tea, or spirituous liquors exceeding five gallons, not having paid the duties, and not having a permit, or any other foreign goods of above 30*l.* value, landed without entry and payment of duties, and shall carry any offensive arms, or wear any disguise, or shall forcibly obstruct, or resist any officer of the customs or excise in seizing or securing any prohibited, uncustomed, or run goods, or other execution of their office, shall be deemed runners of foreign goods, within the meaning of the said act of 8 G. c. 18. altho' no proof shall be made that such goods were run, or had not been entred and paid duty; but the proof of such entry and payment, and how they came by the goods, shall lie on such persons: and every person convicted of any such offence, shall be guilty of felony, and transported for seven years. *f. 13.*

And all the goods so found, weapons, horses, cattle, carriages, and their furniture, chests, bags, casks, and other package, shall be forfeited. *f. 14.*

And if any officer or other person shall lose any limb, or be otherwise maimed or dangerously wounded by any offender last mentioned, or in endeavouring to apprehend him, he shall on the conviction of such offender have a reward of 50*l.* over and above any other reward he may be intitled to by this act. *f. 15.*

And if any person be killed in endeavouring to apprehend such offender, his executors or administrators (on certificate under hand and seal of the judge of assize for the county where the fact was done, or of the two next justices of the peace, of such person being so killed) shall have 50*l.* over and above any other reward they may be intitled to by this act. *f. 15.*

And if any person shall, in three months after such last mentioned offence committed, discover to the commissioners of the customs or excise, any offender so as he be convicted; he shall have 50*l.* over and above any other reward he may be intitled to by any law. *f. 16.*

And the commissioners of the customs or excise shall cause the rewards to be paid out of the said revenues, on producing a certificate under the hand of the judge certifying the conviction, or on producing such certificate of the person being killed: and if any dispute shall arise between the persons intitled to the reward, the same shall be adjusted by the commissioners. *f. 17.*

21. And upon information on oath before a justice of the peace, that any persons, to the number of three or more, are or have been assembled, to be aiding in the clandestine running, landing, or carrying away prohibited and uncustomed goods, or to rescue them after seizure, and armed with fire arms or other offensive weapons; he shall grant his warrant to the constables and other peace officers, requiring them to take to their assistance as many as may be thought necessary for apprehending such persons: and he may, if on examination he find cause, commit them to the next county gaol, there to remain without bail or mainprize, until they be discharged by due course of law: and such persons, on conviction of their being assembled and armed as aforesaid, shall be adjudged guilty of felony, and transported for seven years. 9 G. 2. c. 35. *f. 10.*

Apprehending
riotous smug-
glers.

And the apprehender for every person convicted shall have a reward of 50*l.* immediately after conviction and demand made, tending a certificate under the hand of the judge, certifying the conviction, and that he was taken by the person claiming the reward. *f. 11.*

And if any person shall lose a limb, be maimed, or dangerously wounded, in apprehending or endeavouring to apprehend, or pursuing such offender; he shall on such conviction have a reward of 50*l.* over and above any other reward that he shall be intitled to by this act. *f. 11.*

And if any person shall be killed in taking, or endeavouring to take such offender; his executors or administrators (on certificate

under

under the hand and seal of the judge of assize of the county where the fact was done, or of the two next justices of the peace, of such person being so killed) shall have a reward of 50*l.* over and above any other reward they may be intitled to by this act.
f. 11.

And if any offender shall in three months after his offence, and before his conviction, discover two or more accomplices, to the commissioners of the customs or excise, so as two be convicted; he shall have 50*l.* for every person so convicted, and be discharged of his offence. *f. 12.*

The said rewards to be paid as in the last section.

Smugglers indemnified for offences before May 1. 1745.

22. By the 18 G. 2. c. 28. All persons, who before May 1. 1745. have incurred any penalty for running of goods are indemnified. But if any person having been guilty of any such offence, for which he is liable to be transported, shall take the benefit of this act, and afterwards commit any the like offence; he shall be guilty of felony without benefit of clergy.

Outlawed smugglers.

23. And by the 19 G. 2. c. 34. If any persons, to the number of three or more, armed with fire arms or other offensive weapons, shall be assembled in order to assist in the exportation of goods prohibited to be exported, or in running any prohibited or uncustomed goods, or goods liable to pay duties which have not been paid, or in relanding goods after drawback, or in rescuing the same after seizure, or in rescuing any person apprehended for any offence made felony by any act relating to the customs or excise, or in preventing his being apprehended; or if any person shall have his face blacked, or wear any disguise, when passing with such goods; or shall forcibly hinder or assault any officer in the seizing such goods, or dangerously wound any officer attempting to go on board any vessel, or shoot at or wound him when on board; he shall be guilty of felony without benefit of clergy.
f. 1.

And persons charged with any the said offences, before a justice of the peace, by information on oath of one or more credible persons to be subscribed by him or them, the justice shall forthwith certify the same under his hand and seal, and return the information to one of the secretaries of state, who shall lay the same before the king in council; who may thereon make his order, commanding the offender to surrender in 40 days after the first publication thereof in the gazette, to the lord chief justice, or any other of the justices of the king's bench, or to some justice of the peace who thereon shall commit him to gaol, to answer the charge against him according to due course of law: Which order the clerks of the privy council shall cause to be forthwith published in the two successive gazettes, and to be transmitted to the sheriff where the offence was committed; who shall in 14 days cause the same to be proclaimed between ten in the morning and two in the afternoon, in the market places, on the market days, of two market towns in the same county, near the place where the offence was committed; and a copy of the order shall be affixed on some publick place in the said towns: And if such offender shall not surrender pursuant to such order, or escape after surrender,

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Chinese characters are used to represent the meaning of the words in English. The characters are arranged in columns, reading from right to left. The English text is written in a standard font, and the Chinese text is written in a traditional style. The page is divided into two columns, with the English text on the left and the Chinese text on the right. The Chinese text is written in a vertical orientation, and the English text is written in a horizontal orientation. The page is numbered 100 in the bottom right corner.

surrender, he shall be attainted of felony without benefit of clergy. *f. 2.*

And if any person after the time appointed for surrender, shall knowingly harbour such offender; he shall, on conviction within one year, be guilty of felony, and transported for seven years. *f. 3.*

And every person who shall take, or discover so that he may be taken, any person so advertised and not surrendring, and cause him to be brought before a judge of the king's bench, or justice of the peace for *London or Middlesex* (who shall commit him to *Newgate*), shall receive 500*l.* in one month after execution awarded, from the commissioners of the customs or excise respectively: And if an offender, against whom no such order in council shall have been made, shall himself so discover or apprehend any other against whom an order hath been made; he shall be acquitted of all his own offences for which no prosecution is then commenced, and shall also have his share of the *premium*: And if any person shall be maimed or grievously wounded in apprehending such offender; he shall receive 50*l.* over and above such other reward as he may have as apprehender: And if any person shall be killed in apprehending, his executors or administrators shall receive 100*l.* *f. 10.*

But nothing herein shall prevent ministers of justice from taking such offender by the ordinary course of law; but if he shall be taken before the expiration of the time limited for his surrender, no further proceedings shall be had upon the order made in council, but the offender shall be brought to trial by due course of law. *f. 4.*

And if any offender, before order for his surrender, shall discover two or more accomplices, so as they be convicted; he shall receive 50*l.* for each, and be discharged of all offences for which no prosecution shall be then commenced. *f. 11.*

24. If any persons passing in a publick and avowed manner, Officers may oppose with prohibited or uncustomed goods, and armed with pistols, pose force with guns, cutlasses, or other offensive weapons, shall molest or resist force. the officers of the customs or excise, endeavouring to seize the same, by beating, maiming, or wounding them, or any person assisting them; they may oppose force with force: and if any person so resisting the officers be wounded, maimed, or killed; such officers, or persons assisting them in their defence, may plead the general issue, and give this act and the special matter in evidence; and all justices of the peace, and others, before whom they shall be brought, shall admit them to bail. 9 G. 2. c. 35.

f. 35. 25. By the 13 & 14 C. 2. c. 11. Where any officer of the customs shall be by any person armed with club or any manner of weapon, forcibly hindred, affronted, abused, beaten, or wounded, to the hazard of their lives, either on board any ship, or on the land or water in execution of their office; every person so abusing any such officer or his deputy, or such as shall act in his aid or assistance, shall by the next justice or other magistrate be committed to prison to the next quarter sessions; and the said

Dangerously hurting an officer, finable.

feffions shall punish him by fine, not exceeding 100 *l.* and the offender to remain in prison, till he be discharged by order of the exchequer both of the fine and of the imprisonment, or discover the person that set him on work. *f.* 6.

By eight or more,
transportation.

26. And by the 6 *G. c.* 21. If any officer of the customs be forcibly hindred, wounded, or beaten, in the due execution of his office, by any persons armed with any manner of weapon, tumultuously assembled by day or night, to the number of eight or more; the offenders shall be transported for any term not exceeding seven years. *f.* 34, 35.

And if any offender shall in two months after his offence, and before conviction, discover his accomplices so as two be convicted, he shall have 40 *l.* reward for each, and be acquitted. *f.* 36.

And if any other person shall in three months discover any offender so as he be convicted, he shall have 40 *l.* over and above any other reward on account of the run goods. *f.* 37.

The same to be paid by the receiver general, or cashier of the customs, on producing the judge's certificate. *f.* 38.

Opposed on ship-
board, transpor-
tation.

27. And by the 9 *G. 2. c.* 35. more generally it is enacted, that if any officer of the customs or excise, being on board any ship, be forcibly hindred, wounded, or beaten, in execution of his office, either by day or night; the offender shall be transported for seven years. *f.* 28.

Hundred shall
answer damages.

28. And by the 19 *G. 2. c.* 34. *f.* 6. If any officer or other person employed in seizing any goods forfeited for being prohibited or uncustomed, or for not having paid duty, or by virtue of any law to prevent the exportation of goods, or in endeavouring to apprehend offenders against this act, shall be beaten or killed, or the goods seized be rescued; the hundred shall answer damages, and also pay 100 *l.* to the executors or administrators of such person killed, so as the sum for beating exceed not 40 *l.* nor for the loss of goods 200 *l.* to be recovered and levied as in cases of robbery by the 8 *G. 2.*

But no person shall recover damages for such beating or loss of goods, unless he give notice in four days to two inhabitants near, and in eight days make oath before a justice, whether he knew any of the persons concerned, and if he did, he shall be bound over to prosecute; and unless, besides the said notice and recognizance, he give such also as persons robbed by the 8 *G. 2.* are directed to give. *id. f.* 7.

And where the offender shall be convicted in six months, the hundred shall not be liable. *f.* 8.

Also the action against the hundred must be commenced within a year. *f.* 9.

Felonies in rela-
tion to the cu-
stoms may be
tried in any
county.

29. Offences relating to the customs or excise, made felony by any act, may be tried in any county; but the attainder shall work no corruption of blood, loss of dower, or forfeiture of lands. 19 *G. 2. c.* 34 *f.* 5.

AMERICAN SONGS

1912

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II. Of the excise in general.

1. One principal head office of excise shall be kept in *London*, Head office, and commissioners. or within ten miles thereof, to which all other offices in the kingdom shall be subordinate and accountable; which said office shall be managed by such commissioners as the king shall appoint. *12 C. 2. c. 24. f. 46. 5 W. c. 20. f. 16.*

2. And all places within the bills of mortality shall be under the Subcommis- immediate care and management of the said head office; and such, sioners. and so many subordinate commissioners, and subcommissioners, and other officers shall be appointed by the king in other places, as he shall think fit. *12 C. 2. c. 24. f. 48.*

3. And the excise office in all places where it shall be appointed, Office when to be kept open. shall be kept open from eight in the morning, till two in the afternoon. *23 G. 2. c. 26. f. 12.*

4. And the commissioners or subcommissioners shall appoint un- Office in market towns. der their hands and seals, such persons as they shall think needful in each market town, to be there upon every market day, in some known and publick place, for receiving entries and duties, and performing all other things touching the revenue of excise: And if such office shall not be so kept in each market town, the commissioners or others neglecting or refusing, shall for every market day forfeit 10*l*. And such person as shall come to such market town to make his entry or payment, and tender the same accordingly, and be able to prove such tender by oath of one witness, shall not be liable to any penalty for such weekly or monthly entries or payments, as should have been made or paid on such market day. *15 C. 2. c. 11. f. 10.*

5. The commissioners or subcommissioners in their respective Gagers. circuits and divisions, shall constitute under their hands and seals, such and so many gagers as they shall find needful. *12 C. 2. c. 24. f. 33.*

6. No person shall be capable of intermeddling with any office Officer's oath. relating to the excise, until he shall before two justices in the county where his employment shall be, or before a baron of the exchequer, take the oaths of allegiance, supremacy (and abjuration), together with this oath following;

You shall swear to execute the office of ——— truly and faithfully, without favour or affection, and shall from time to time true account make and deliver to such person and persons as his majesty shall appoint to receive the same, and shall take no fee or reward for the execution of the said office, from any other person than from his majesty, or those whom his majesty shall appoint in that behalf. *12 C. 2. c. 24. f. 47.*

And the justices shall certify the taking of such oath, to the next quarter sessions, there to be recorded. *f. 48.*

And the officer shall also enter a certificate thereof with the auditor of the excise: And if any such person shall act before he hath taken the said oaths, and entered his certificate with the auditor

auditor aforesaid, he shall forfeit 50*l.* a month. 15 C. 2. c. 11.
f. 27.

Penalties by the
excise laws.

7. In the act of the 24 G. 2. c. 40. There is a general clause, which has a controlling influence on all that hereafter follows in this large title; which is this: *All fines, penalties, and forfeitures, imposed by this or any other act relating to the duties of excise, or other duties under the management of the commissioners of excise, shall be sued for, levied, recovered, or mitigated by such ways and means as any fine, penalty, or forfeiture is or may be recovered or mitigated by any law or laws of excise, or in the courts at Westminster, and shall be half to the king, and half to him that shall inform or sue.*
f. 33.

By two justices.

2. That is to say, *If it is within the limits of the chief office in London, they shall be determined by the commissioners (or any three of them, 2 G. 2. st. 2. c. 16. f. 4, 5.) or, in case of appeals, by the commissioners of appeals: in all other places, they shall be heard and determined by any two or more justices of the peace, residing near to the place where such forfeitures shall be made, or offence committed: And in case of neglect or refusal of such justices by the space of 14 d^ys next after complaint made, and notice thereof given to the offender; then the subcommissioners may hear and determine the same; And if the party find himself aggrieved by the judgment given by the said subcommissioners, he may appeal to the next quarter sessions, whose judgment therein shall be final. Which said commissioners for appeals, and chief commissioners for excise, and all justices of the peace, and subcommissioners aforesaid, are required upon any complaint or information exhibited and brought, of any such forfeiture made or offence committed, to summon the party accused, and upon his appearance or contempt to proceed to the examination of the fact, and on due proof made thereof, either by the voluntary confession of the party, or by the oath of one credible witness, to give judgment or sentence, and to issue warrants under their hands, for levying the same on the goods and chattels of the offender, and to cause sale to be made thereof, if not redeemed in 14 days; and for want of sufficient distress, to imprison the party offending till satisfaction be made. 12 C. 2. c. 24. f. 45.*

Residing near] Mr. Shaw, who seems to have taken some pains on this article (and after whom Mr. Barlow hath copied without owning it) saith hereupon, that where the *next* justices are empowered to proceed in any matter, they and no other ought in such case to act; but where it is only directed, that the justices *residing near* shall do such a thing, those words are not restrictive, but only directory, and any justices, altho' not the *next* justices, may proceed therein. *Shaw Exc.*

But where the act says, that *any two justices residing near* to the place where the forfeiture shall be made, or the offence committed, shall hear and determine the matter, it doth not intend that the justices of a county at large, dwelling near to a town corporate, which hath justices of its own, and an exclusive charter, shall have power to intermeddle with regard to offences committed within such town corporate; but only to vest the jurisdiction in
justices

$$\frac{d}{dt} \left(\frac{1}{2} m \dot{x}^2 \right) = \frac{1}{2} m \ddot{x}^2$$

Circle in General

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The circle is a figure which is bounded by a single line, the circumference, and contains all the points which are equidistant from a fixed point, the center.

The center of a circle is a point within the circle, from which all the points on the circumference are equidistant.

The radius of a circle is a line segment which connects the center to any point on the circumference.

The diameter of a circle is a line segment which passes through the center, and whose endpoints are on the circumference.

The circumference of a circle is the distance around the circle.

The area of a circle is the amount of space it occupies.

The volume of a circle is the amount of space it occupies in three dimensions.

The perimeter of a circle is the distance around the circle.

The surface area of a circle is the amount of space it occupies in two dimensions.

The solid angle of a circle is the amount of space it occupies in three dimensions.

The angle of a circle is the amount of space it occupies in two dimensions.

The arc of a circle is a part of the circumference.

The sector of a circle is a part of the area.

The segment of a circle is a part of the area.

The chord of a circle is a line segment which connects two points on the circumference.

The tangent of a circle is a line which touches the circle at only one point.

The normal of a circle is a line which is perpendicular to the tangent at the point of contact.

The secant of a circle is a line which intersects the circle at two points.

The chord of contact of two circles is a line segment which connects the two points of contact.

The radical axis of two circles is a line which passes through the centers of the two circles.

The locus of the centers of two circles is a line which passes through the centers of the two circles.

The locus of the centers of three circles is a point.

The locus of the centers of four circles is a point.

The locus of the centers of five circles is a point.

The locus of the centers of six circles is a point.

The locus of the centers of seven circles is a point.

The locus of the centers of eight circles is a point.

The locus of the centers of nine circles is a point.

The locus of the centers of ten circles is a point.

The locus of the centers of eleven circles is a point.

The locus of the centers of twelve circles is a point.

The locus of the centers of thirteen circles is a point.

The locus of the centers of fourteen circles is a point.

The locus of the centers of fifteen circles is a point.

The locus of the centers of sixteen circles is a point.

The locus of the centers of seventeen circles is a point.

The locus of the centers of eighteen circles is a point.

The locus of the centers of nineteen circles is a point.

The locus of the centers of twenty circles is a point.

The locus of the centers of twenty-one circles is a point.

The locus of the centers of twenty-two circles is a point.

The locus of the centers of twenty-three circles is a point.

The locus of the centers of twenty-four circles is a point.

The locus of the centers of twenty-five circles is a point.

The locus of the centers of twenty-six circles is a point.

The locus of the centers of twenty-seven circles is a point.

The locus of the centers of twenty-eight circles is a point.

The locus of the centers of twenty-nine circles is a point.

The locus of the centers of thirty circles is a point.

justices of counties, cities, and places, with respect to their local jurisdictions within such places. T. 14 G. 2. *Talbot and Hubble.* Str. 1154.

Upon any complaint or information exhibited] By these words it is not necessary that the information be exhibited *in writing*; but if it is a verbal information, the justices ought to make a record thereof, and of the time and place, when and where exhibited, which must be expressed in the present, and not in the time past: But to save the justices that trouble, it is usual for the informer to prepare his information in writing; and by way of preface thereto, to make a memorandum of the time and place of the laying such information, leaving therein blanks for the names of the justices, and the day and month and year and place when and where laid; and when those blanks are filled up by direction or consent of the justices, then it becomes a record made by them. The mentioning the place where the information is laid, is, that it may appear that the prosecution was in the proper county; and therefore tho' it may happen, that for laying the information, the prosecutor may be obliged to attend one justice in one town, and another justice in another town, it must not be mentioned, that the information was laid at both towns, for that would be absurd; but in such cases it is usual to express that the information is laid at the town where the hearing is intended to be. *Shaw Exc.*

Proceed to the examination of the fact] And by the 9 G. 2. c. 35. it is enacted, that in trials of seizures, the justices shall proceed to the merits of the cause, without inquiring into the form or manner of seizure. s. 34.

Give judgment] Altho' it hath been said, that whatever is recorded by the justices or their order, ought to be expressed in words of the present time and tense; yet that doth not make it necessary, nor is it indeed practicable, that all that is to be so entered should actually be entered at the instant of time when such judgment is given; for such entering the whole at that time would hinder the dispatch of business, and delay the hearing of causes, and therefore may be done at any convenient time after; which if it be agreeable with, and according to such short minutes or notes as are then taken by such justices, it will be as authentick as if it had been entered at the instant of time in which such order was made, or judgment was given. *Shaw Exc.*

And to issue warrants under their hands] Although it is here only directed, that the warrant shall be under the *hands* of the justices; yet since it is generally implied in all warrants, that they be both under *hand* and *seal*, it is safe at least, if not necessary that this warrant also amongst the rest, be both *signed* and *sealed*.

And to cause sale to be made thereof if not redeemed in 14 days] But by the 27 G. 2. c. 20. the justices may not order the distress to be detained more than eight days, nor less than four.

For want of sufficient distress] Mr. Shaw and Mr. Barlow are of opinion, that where there are some goods, but not sufficient for satisfying the judgment, yet those goods may be applied for that purpose so far as they shall extend, and the defendant shall be imprisoned for the residue; which may seem hard sometimes, when the defendant shall perhaps satisfy nearly the whole sum, and moreover be imprisoned as much as if he had paid nothing; and it hath been adjudged in other cases, that a man shall not first pay part, and then be imprisoned for the residue, but shall either pay the whole, or be imprisoned for the whole: but perhaps the distinction may be this; where there is a limited time of imprisonment, as for instance three months, there the defendant shall not pay part, and then be imprisoned the whole three months, which would be to punish him both ways; but where the imprisonment is till the penalty shall be paid, there the payment of the penalty is the thing chiefly regarded, and the imprisonment is not intended as a punishment, but as a mean to compel the payment of the penalty, and if part of it is paid already, the enlargement may come the sooner, by payment of the residue.

Imprison the party till satisfaction be made] But before any warrant can be made to arrest and imprison the person of the defendant, there must be first a warrant to seize the utensils in custody of such offender, and the offender's goods; and that warrant must be returned: all which must be done, before any warrant can be regularly made, to arrest and imprison the defendant's person. Which method ought to be observed, tho' perhaps it may be well known by, or sufficiently proved before the justices, that all the utensils and all the defendant's goods are carried off; for the law being in all cases very tender of depriving men of their liberty, it is necessary that all possible means should be used to levy the money on such goods, before the person of the defendant be imprisoned. But if a warrant to seize the utensils and the goods, be made and delivered to an officer to be executed; and if such officer, having made diligent search, cannot find any such, then a warrant may be made to arrest and imprison the person of the defendant. But then there ought to be a duplicate made of such warrant; because the keeper of the prison cannot regularly receive the offender without a warrant, and the officer ought also to have and keep a warrant for his own justification. *Shaw Exc.*

Summoning witnesses.

9. By the 7 & 8 W. c. 30. The commissioners and justices may summon witnesses, to appear before them at a certain day, time, and place, to be inserted in such summons, and to give evidence; and in case of neglect or refusal to appear, or if upon appearance any shall refuse to give evidence, he shall forfeit 10*l.* *J. 24.*

Officer on trial need not produce his commission.

10. If upon trial, any question shall arise, concerning the keeping of any office of excise, or concerning any persons being an officer: proof shall be admitted of the actual keeping of such office, or of such person's actually exercising such office, without proving

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proving or producing the commission. 6 G. c. 21. f. 24. 11 G.

c. 30. f. 32.

11. If on trial any dispute shall arise, whether the excise or Proof to lie on other inland duties have been paid for any foreign goods seized; the owner. the proof shall lie on the owner, and not on the officer. 12 G.

c. 28. f. 8.

12. One or more justices shall have power to administer an oath Sworn valuers, to any person skilled in the value of goods, vessels, or carriages, mentioned to have been seized in any information exhibited before the justices, to view the same, and make return of the species, quantity, and value; and after condemnation, the said goods shall be sold where the commissioners shall think proper. 12 G.

c. 28. f. 16.

13. *The justices, commissioners, or subcommissioners respectively, Mitigation, where they shall see cause, may mitigate, compound, or lessen the forfeiture, penalty, or fine; so as the sum be not made less than double the value of the duty of excise which ought to have been paid, besides the reasonable costs and charges of such officers, or others, as were employed therein, to be to them allowed by the said justices.*

12 C. 2. c. 24. f. 46.

Mitigate] But it is not necessary in the mitigation, to mention or distinguish so much for the offence, and so much for the charges; but after the justices have agreed what sums to allow for the charges, the best way will be to add those two sums together, and make their mitigation to such sum, as both when added together do amount unto: as suppose the justices do intend, that the defendant shall pay 10 *l.* for the offence, and 40 *s.* for the charges, the best way will be to make their mitigation to 12 *l.* without particularly mentioning that 10 *l.* thereof is for the offence, and that the 40 *s.* is for the charges; for in all cases it is wrong to insert in judgments more words or particulars than are necessary; and it is more particularly wrong in these cases, because the mentioning such unnecessary particulars may give a handle for cavils and disputes. *Shaw Exc.*

Costs and charges] Generally, the law doth not allow any costs or charges to be recovered on any penal law; and therefore to intitle the prosecutor to costs, over and above the penalty, express words for that purpose are necessary in an act of parliament. *Shaw Exc.* But by the 27 G. 2. c. 20. the constable out of the money arising from the sale of the distress, may detain his reasonable charges of taking, keeping, and selling the same.

14. There is no appeal directed in the said statute of 12 C. 2. Appeal. from judgments given by the justices of the peace; for whereas it is enacted, in the said statute, that *if the party find himself aggrieved by the judgment given by the subcommissioners, he may appeal to the next quarter sessions*, these words, not being general, or such as may be applied equally, as well to the judgments given by the justices, as to judgments given by subcommissioners, they must be understood as limited and restrained to such judgments only as are given by subcommissioners, in whom the parliament (it seems) did not so intirely confide as in the justices, but have made

the aforementioned distinction between the judgment of the one and of the other; which must be observed and pursued: And therefore, generally, there lies no appeal to the quarter sessions from the judgment given by the justices, in matters relating to the excise. *Sharw Exc.*

Nevertheless, in some particular instances, such power is given by subsequent statutes; which will be mentioned under the special heads in this title hereafter following.

By the 15 G. 2. c. 11. No appeal in any cause of excise shall be admitted, till the appellant hath deposited the single duty with the commissioners or subcommissioners, and given security to the commissioners of appeal, or justices of the peace, where the cause is to be finally adjudged, for such forfeiture as was adjudged against him; and if upon appeal the judgment be reversed, they shall restore the duty so deposited, or so much thereof as shall be adjudged on the appeal; and the party originally prosecuting shall pay double costs, but if the judgment be affirmed, the party appealing shall pay the like costs to the commissioners. *f. 19.*

And by the same statute, all differences and appeals about the excise, shall be heard in the proper county, and not elsewhere. *f. 22.*

And by the same statute, appeals within *London*, and the limits thereof, shall be within two months after judgment, and notice given or left at the dwelling house of the party; in all other places, in four months, and not otherwise.

Certiorari.

15. It is generally provided by divers statutes, that no *certiorari* shall be allowed to supersede the justices proceedings. 12 C. 2. c. 24. *f. 50.* 22 & 23 G. 2. c. 5. *f. 14.* 6 G. c. 21. *f. 22.*

Treble costs.

16. Persons sued for any thing done on any act relating to the excise, or other duties under the management of the commissioners of excise, may plead the general issue; and have treble costs. 18 G. 2. c. 26. *f. 15.*

Felonies relating to the excise, where to be tried.

17. Offences relating to the excise made felony by any act, may be tried in any county; but the attainer shall work no corruption of blood, or forfeiture of lands. 19 G. 2. c. 34. *f. 5.*

Alehousekeepers harbouring offenders.

18. Any alehousekeeper harbouring an absconded person, against whom a process of arrest hath issued, for any offence against the laws of excise or of the customs, after six days notice of such absconding in two successive gazettes, and writing fixed on the door of the parish church where he last dwelt, shall forfeit 100 *l.* and have no licence for the future. 9 G. 2. c. 35. *f. 30, 31.*

Landing foreign excitable liquors before duty paid.

19. No foreign liquors, for which excise ought to be paid, shall be landed, before entry made with the officer or collector of excise, or before the excise shall be paid: and every warrant from any officer of the customs, for landing such foreign liquors, shall be signed by the officer or collector of excise in the port; on pain that the liquors landed otherwise, or the value thereof, shall be forfeited, to be recovered of the importer or proprietor. 22 & 23 G. 2. c. 5. *f. 9.*

Excisable liquors carried coastwise.

20. No person bringing any excisable liquors (except beer, ale, cyder, perry, and metheglin) into any place by coast coquet, transire, or certificate, nor any person to whom the same shall be

1. The first of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

2. The second of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain.

3. The third of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought. The crops were much injured by the drought.

4. The fourth of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain.

5. The fifth of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought. The crops were much injured by the drought.

6. The sixth of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain. The crops were much injured by the rain.

7. The seventh of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

8. The eighth of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain. The crops were much injured by the rain.

9. The ninth of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought. The crops were much injured by the drought.

10. The tenth of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain.

11. The eleventh of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought. The crops were much injured by the drought.

be consigned, shall land the same, without being entred with the officer of excise where landed; on pain of double value. 15 C. 2. c. 11. f. 18.

21. If any person shall conceal, or suffer to be concealed, any Concealing ex-goods liable to the duties of excise and inland duties; he shall forfeit the same, (whether he claims any interest in them or not) forfeit the same, and treble value. 11 G. c. 30. f. 16.

22. If on request made by any officer of excise, to a constable Constable to be to go along with him, and to be present at the doing of any thing, assisting. at the doing whereof his presence shall be necessary by any statute, he shall neglect or refuse or shall not go along with him, and be present at the doing thereof; he shall forfeit 20*l*. 11 G. c. 30. f. 31.

23. If any person shall oppose, molest, hinder, or obstruct any Obstructing officer of excise, in the due execution of the powers given him officer. by any act relating to the duties of excise; he shall forfeit 10*l*. 6 G. c. 21. f. 7.

And actions of assault upon any officer of excise, may be tried in any county. 9 G. 2. c. 35. f. 26.

Further penalties for obstructing, wounding, or killing officers, in the case of run goods, have been inserted before, in treating of the customs.

24. If any officer of the excise or customs shall deal in coffee, Officer not to be tea, brandy, or other excisable liquors; he shall be incapable to a dealer. hold any office in the revenue, and forfeit 50*l*. 12 G. c. 28. f. 7.

25. No sworn gager, or other officer, shall take any bribe, for Officer taking a any matter relating to the excise; on pain of 10*l*. 15 C. 2. bribe. c. 11. f. 16.

And a further penalty upon such officer is inflicted, in divers instances hereafter mentioned.

And by the 11 G. c. 30. If any person liable to the duties of excise, or any other duties under the management of the commissioners of excise, shall give or offer to any officer of the said duties any bribe, gratuity, or reward, in order to induce him to omit his duty, or to do contrary to it; he shall forfeit 500*l*. f. 40.

26. No collector, supervisor, gager, or other person concerned Officer meddling in charging, collecting, levying, or managing the duties of ex- in elections. cise, or any part thereof, shall by word, message, or writing, or in any other manner, endeavour to persuade any elector to give, or dissuade any elector from giving, his vote for the choice of a member of parliament; on pain of 100*l*. half to the poor, and half to him who shall sue in the courts at *Westminster*; and moreover he shall be incapable to hold any office of trust under the king. 5 W. c. 20. f. 48.

III. Of the several goods in particular, under the management of the commissioners of the customs and excise: viz.

Ale, beer, cyder, perry, mum, metheglin, mead, sweets, verjuice, and vinegar; candles; coaches; coffee, tea, and chocolate; glass; hops; leather; linen cloth and silks; malt; paper; plate; salt; soap; spirituous liquors; starch and hair powder; wire.

I. *Ale, beer, cyder, perry, mum, metheglin, mead, sweets, verjuice, vinegar.*

Duty on ale and beer imported. 1. By the several acts relating to that purpose, there shall be paid by the importer before landing, for every barrel of beer or ale imported, in the whole the sum of 18 s.

On home ale and beer. 2. By the several acts there shall be paid in the whole, for every barrel of beer or ale above 6 s. a barrel, brewed by the common brewer, or any other person who shall sell or tap out beer or ale, the sum of 5 s. and for every barrel of 6 s. a barrel or under, the sum of 1 s. 4 d.

Duty on cyder and perry imported. 3. For every tun of cyder or perry imported shall be paid 17 l. 10 s. And if they are imported by foreigners, they shall pay 30 s. more.

Duty on cyder and perry sold by retail. 4. And by six several acts, for every hoghead of cyder and perry sold by retail, there shall be paid by the retailer, the sum of 6 s. 8 d. And by the 12 An. st. 1. c. 4. 4 s. more, to be paid by the first buyer or retailer. s. 1.

But a person buying for his own private use, and not being a dealer, shall not be charged. 28 G. 2. c. 2. s. 19.

And if they be used for distilling only, they shall not be charged with the said 4 s. 3 G. 2. c. 7. s. 11.

Note; Every person who shall buy any cyder or perry, or any fruit to make into cyder or perry, and shall sell any of the cyder or perry, shall be deemed a retailer. id. s. 2.

Duty on mum. 5. For every barrel of mum imported shall be paid the sum of 25 s. And moreover by the 12 An. st. 1. c. 2. and 13 G. c. 7. for every barrel of mum made or imported, over and above all other duties, shall be paid by the maker or importer, 10 s.

Duty on metheglin and mead. 6. For every gallon of metheglin or mead, sold by retail or otherwise, shall be paid by the maker 11 $\frac{1}{2}$ d.

Duty on sweets. 7. For every barrel of liquor made for sale, by infusion, fermentation, or otherwise, from fruit or sugar, mixed or unmixed with other ingredients, commonly called sweets or made wines, shall be paid 12 s. 10 G. 2. c. 17. s. 2. But this shall not extend to wines made of *British* grapes. s. 7.

Duty on verjuice. 8. Verjuice made for sale, shall pay as cyder and perry. 7 & 8 W. c. 30. s. 28.

9. For

When a person is in a position of trust, he should be held to a higher standard of conduct than when he is not.

It is the duty of every person in a position of trust to act with integrity and to avoid any conflict of interest.

It is the duty of every person in a position of trust to act with honesty and to avoid any deception.

It is the duty of every person in a position of trust to act with fairness and to avoid any favoritism.

It is the duty of every person in a position of trust to act with respect and to avoid any disrespect.

It is the duty of every person in a position of trust to act with responsibility and to avoid any negligence.

It is the duty of every person in a position of trust to act with loyalty and to avoid any disloyalty.

It is the duty of every person in a position of trust to act with courage and to avoid any cowardice.

It is the duty of every person in a position of trust to act with compassion and to avoid any cruelty.

It is the duty of every person in a position of trust to act with humility and to avoid any pride.

It is the duty of every person in a position of trust to act with patience and to avoid any impatience.

It is the duty of every person in a position of trust to act with kindness and to avoid any unkindness.

It is the duty of every person in a position of trust to act with gentleness and to avoid any harshness.

It is the duty of every person in a position of trust to act with peace and to avoid any war.

9. For every tun of vinegar imported shall be paid 13*l.* and if Duty on vinegar imported by strangers 30*s.* more. And by the 18 G. 2. c. 9. imported. 8*l.* more for *French* vinegar, and other vinegar 4*l.*

10. For every barrel (at 34 gallons to the barrel) of vinegar, Duty on home vinegar beer, or liquors preparing for vinegar, made for sale, shall be paid 11*s.* 1*d.*

Note; This shall extend to vinegar made for pickles, but not to vinegar for making white lead. 8 *An. c. 7. f. 4, 5.*

And all stale Beer, returns of beer or ale, cyder, verjuice, or any other liquors proper to be made into vinegar, which shall be found in the possession of any common vinegar maker, (except such as are to be drank in his family, and which shall be kept separate for that purpose) shall be deemed vinegar, or liquors preparing for vinegar. 10 & 11 *W. c. 21. f. 11.*

11. By the 15 C. 2. c. 11. No common brewer, innkeeper, victualler, or other retailer of beer or ale, shall without first giving notice at the next office of excise, or to the commissioners, or sub-commissioners, or one of them, erect, alter, or enlarge, any tun, fat, back, cooler, or copper, and make use thereof for brewing or making any beer, ale, or worts; on pain of 50*l.* And every other person, in whose occupation any house, outhouse, or other place shall be, where any such private tun, fat, back, cooler, or copper shall be found, shall also forfeit 50*l.* And the same, together with all beer, ale, or worts therein, shall be taken up, seized, and forfeited. *f. 1.*

And by the 8 & 9 *W. c. 19.* If any common brewer shall, without notice given at the next office of excise, set up any tun, batch, float, cooler, or copper, or alter and enlarge the same, or have any of them private or concealed; he shall forfeit 200*l.* *f. 8.*

And the officer of excise, in the day time, and in the presence of a constable, where he shall have just suspicion, that any private back, tun, or other concealed vessel or receptacle are used by any brewer, maker, or retailer of excisable liquors, on request first made, and cause declared, may break open the door, or any part of his brewhouse, warehouse, or other room in his possession, and enter, and break up the ground in such house or room, or ground near adjoining in his possession, to search for such back, tun, or other vessel, or any pipe or conveyance leading thereto; and if he finds any private pipe or other conveyance, he may search and follow the same, and if it shall lead into any ground, house, or place in the possession of any other person, on like request, and with a constable, he may enter the same, and break open the ground, or any part of the house if occasion shall be, to follow such private pipe, in order to find out such concealed back, tun, or vessel, making good the ground or house so broken up, or giving reasonable satisfaction to the owner: And if any person shall oppose such officer, he shall forfeit 20*l.* 7 & 8 *W. c. 30. f. 27.*

And if any *vinegar maker* shall without giving such notice, use any storehouse, warehouse, cellar, or other place for making or keeping any vinegar, vinegar beer, or liquors preparing for vinegar; he shall forfeit 50*l.* 10 & 11 *W. c. 21, f. 14.*

In like manner the maker of *sweets* for sale shall first give such notice, of his name and place of abode, and of the rooms and places he intends to use for making or keeping of sweets or made wines; on pain of 20*l.* 10*G.* 2. c. 17. *f.* 4. And any person who shall sell or use any the materials abovementioned, in making of wines, and in whose custody above two gallons shall be found, shall be deemed a maker of sweets for sale. 10 & 11 *W.* c. 21. *f.* 5.

In like manner, persons buying fruit to make into *cyder* or *perry* for sale, shall make entry of their storehouses, cellars, and other places, at the excise office within the district; on pain of 50*l.* 28 *G.* 2. c. 2. *f.* 20.

Private pipes.

12. No common brewer shall keep any pipe or stop cock under ground, or any other private conveyance, by which any beer, ale, or worts may be conveyed from one tun or brewing vessel to another, or into any other place, nor shall have any hole in any tun, batch, or float, by which any beer, ale, or worts may be conveyed into or out of the same; on pain of 100*l.* 8 & 9 *W.* c. 19. *f.* 4.

And the excise officer in the day time, and in presence of a constable, on request made, and cause declared, may break up the ground in any common brewhouse, or the ground near adjoining, or any wall, partition, or other place, to search for any such private pipe or other conveyance, and on finding may follow the same, and break up the ground, house, wall, partition, or other place, thro' or into which the same shall lead, and break up or cut such pipe or other conveyance, and may turn any cock to try whether it can convey as aforesaid. *f.* 5.

And if on search no such pipe or other private conveyance shall be found, the officer shall make good the ground, wall, or other place so broken up, or make satisfaction to the owner: And if any person shall oppose such officer, he shall forfeit 50*l.* *f.* 6.

But any common brewer may use any pipes, stop cocks, or other conveyances above ground, which are publick and in open view, for letting his worts out of his copper into his publick backs or coolers; and out of the same into his tuns, batches, or floats; or out of the tun into his casks. *f.* 7.

Private cellar.

13. No common brewer, innkeeper, victualler, or other retailer of beer or ale, shall use or keep any private storehouse, cellar, or other place for laving of any beer or ale, or worts, in cask; on pain of 50*l.* and every other person in whose occupation any such place shall be, shall also forfeit 50*l.* 15 *C.* 2. c. 11. *f.* 1. 1 *W.* *f.* 1. c. 24. *f.* 11.

Private person suffering liquors to be brewed in his house.

14. If any person inhabiting in a market town, city, or town corporate, or parts adjoining to a city or town corporate, where there is a common brewhouse, having and lawfully using any private brewing vessels for making beer and ale to be consumed in his own private family, shall permit any beer, ale, or worts to be brewed in his house, or other place thereunto adjoining, other than for his own family, servants, labourers, or to others by way of charity, hospitality, or free gift; or shall lend out any of his brewing

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brewing vessels, other than which are moveable and unfixed, he shall forfeit 50*l.* 22 & 23 C. 2. c. 5. *f.* 10.

15. The gager shall at all times, as well by night as by day (and if by night, then in presence of a constable) be permitted upon his request to enter the brewhouse, and all other houses and places belonging to or used by any person brewing of beer, or by any retailer of beer, ale, worts, perry, cyder, or metheglin; and to gage all coppers, fats, and vessels in the same; and to take an account of all such liquors brewed or made therein; and thereof shall make return in writing to the commissioners or subcommissioners; which return shall be a charge upon such brewers, makers, or retailers. 12 C. 2. c. 24. *f.* 33.

Gager to enter and take account.

And if any brewer shall bribe the gager to make a false return, he shall forfeit 10*l.* and the officer taking the bribe shall also forfeit 10*l.* 15 C. 2. c. 11. *f.* 16.

And if any such common brewer or retailer shall refuse to permit such gager to enter his brewhouse or other place aforesaid, or to gage or take account of his vessels or liquor aforesaid, he shall be forthwith forbidden by the gager to sell, carry out, or deliver to any of his customers, any beer, ale, or other the liquors aforesaid; and if he shall after such warning given, sell, carry, or deliver out the same, or any part thereof, not having paid the duty of excise, he shall, besides the forfeiture of double value, forfeit also the sum of 10*l.* 12 C. 2. c. 24. *f.* 33.

And by the 7 & 8 W. c. 30. If any common brewer, innkeeper, or victualler, shall on request or demand made by the gager in the day time, or in the night in presence of a constable, refuse to permit him to come into his house, brewhouse, or other place used by him; or being entred, shall refuse him to stay in the brewhouse, whilst his guile is brewing, and quietly gage and take an account of the several worts as they are brewed off, and let into his backs and tuns, and to see their strong and small drink cleansed and carried out without mixture, and to take an account of the goods in the mesh tun, or the quantity of malt from which such worts are made; he shall forfeit 20*l.* and the prosecutor shall not be obliged to prove that the party carried out any part of such guile before he paid the duties. *f.* 22.

And by the said act, if any maker of vinegar, cyder, metheglin, mead, or sweets for sale, shall conceal any vinegar, or liquor prepared for vinegar, or any cyder, metheglin, mead, or sweets from view of the gager; he shall for every barrel of vinegar or liquor prepared for vinegar, or sweets, forfeit 40*s.* for every hoghead of cyder 40*s.* and for every gallon of metheglin or mead 5*s.* *f.* 16.

And if any maker or retailer of vinegar, or other the liquors last mentioned, shall on request or demand made by the gager in the day time, or if by night in the presence of a constable, refuse to permit him to enter his house, storehouse, or other place used by him, and to take account of the said liquors; he shall forfeit 15*l.* *f.* 17.

And by the 4 G. c. 3. Every dealer in cyder or perry, and person receiving it into his custody, shall be chargeable with the duties,

ties, unless they shall make it appear, either that it was made of fruit of their own growth, and not of bought fruit, or that the duty is paid; and if such person on request made by any officer of excise in the day time, shall not permit him to enter his cellars, storehouses, or other places, and by gaging or otherwise to take account of all cyder and perry there found, he shall forfeit 20 *l.* *f. 11.*

Indifferent gagers may be sworn.

16. As often as there shall be occasion, two able artists shall be appointed, one of them by the commissioners or subcommissioners, and the other by the brewers of any city or place; who shall be sworn before a justice, to take and compute the just contents and gage of all coppers, fats, tuns, backs, and coolers, and all other brewing vessels of that nature, and to deliver under their hands one copy of the contents to the commissioners and subcommissioners, and another to each respective brewer. 15 C. 2. c. 11. *f. 7.*

Brewer to declare how much he intends to make.

17. Every common brewer who shall make any guile of beer or ale, shall declare to the gager, how much strong beer or ale he intends to make of such guile, and how much small, before any part of the guile is cleansed or removed out of his tuns; and if such brewer or his servants shall refuse to make such declaration, the gager shall return the whole as strong, and the brewer shall also forfeit for every barrel in such guile 20 *s.* And if such brewer or his servants, after such declaration shall make any increase of the strong beer or ale, or if the gager shall find any beer, ale, or worts of the same guile laid off, over and above the quantity so declared; he shall forfeit for every barrel so increased, laid off, or found over and above such quantity 5 *l.* and the servant assisting therein 20 *s.* and in default of payment be imprisoned three months: And if on an information against the brewer for the said penalties, it appear by his evidence, that the strong beer or ale so declared, was increased by adding to or mixing with it any beer or ale that was left in the brewhouse of a former guile, he shall nevertheless incur the penalties, except it be also proved upon oath that the strong beer or ale so added to such guile, was added in the sight and view of the gager. 8 & 9 W. c. 19. *f. 2.*

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18. And whereas many brewers, having strong beer or ale remaining in the brewhouse from the time it was brewed, until the next guile or brewing, the quality of which they frequently alter by mixing with the same new small beer, or old returned drink, and then add the beer and ale so altered to the next guile; if it shall appear to the gager that the quality of such strong beer or ale so remaining in the brewhouse of a former guile, and added to a guile of new drink, hath been so altered since it was brewed, he shall return all such beer and ale so altered and added to a guile of new drink, as if the same were then originally brewed, and had never been charged before. 8 & 9 W. c. 19. *f. 3.*

ing drink
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19. If any common brewer, innkeeper, or victualler, shall cleanse, or remove out of his brewhouse, any part of his guile or brewing of beer, ale, or worts, before the whole of such guile is brewed off, and be in his tuns, backs, or coolers, and until the gager shall or might have taken an account of the same, without

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first giving notice to the supervisor or gager, at what time, and how much of such guile or brewing he intends to cleanse or remove, and where he intends to dispose of the same; he shall for every barrel forfeit 40*s.* 7 & 8 *W. c.* 30. *f.* 21.

20. Where it shall appear to the gager, that any worts are mis-
sing, or not fairly let down into the tun, and the gager cannot find
the same, he may charge for so much beer or ale, as such worts so
missing would reasonably make. 1 *W. ft.* 1. *c.* 24. *f.* 6. Gager may
charge for worts
missing.

21. Gagers may take their gages, and make their returns and
charges, upon warm worts in the backs, coolers, or other vessels;
and in such case make allowance of one tenth part thereof for
wash and waste; which worts shall not be afterwards charged,
when made into beer or ale. 1 *W. ft.* 1. *c.* 24. *f.* 7. Gage may be
taken in warm
worts.

22. If any common brewer, innkeeper, victualler, or other
retailer of beer or ale, shall after an account hath been taken by
the gager, convert any small beer or small worts into strong beer
or ale, by mingling the same, and shall sell, deliver out, or retail
the same, without giving notice to the same gager, of the quan-
tity so mingled and converted; or if any such brewer or retailer
shall conceal or convey any beer, ale, or worts not gaged, from
the sight of the gager, whereby the king may be defrauded of
the duty; he shall forfeit 20*s.* a barrel. 15 *C. 2. c.* 11. *f.* 12.
1 *W. seff.* 1. *c.* 24. *f.* 11. Mixing small
beer with strong.

23. No common brewer shall sell, deliver, or carry out any
beer or ale to any of his customers, either in whole cask or by the
gallon, in any city or market town, before notice given to an of-
ficer of excise, but between three in the morning and nine in the
evening from *Mar.* 25. to *Sep.* 29. and between five in the morn-
ing and seven in the evening between *Sep.* 29. and *Mar.* 25. on
pain of 20*s.* a barrel. 15 *C. 2. c.* 11. *f.* 11. Time of deliver-
ing out.

And by the 10 & 11 *W. c.* 21. No vinegar maker shall receive
into his custody any liquors for making of vinegar, nor deliver out
any vinegar in casks or by the gallon, without notice first given to
the officer, unless from *Sep.* 29. to *Mar.* 25. yearly, between se-
ven in the morning and five in the evening; and from *Mar.* 25. to
Sep. 29. between five in the morning and seven in the evening; on
pain of 50*l.* *f.* 12.

And on receiving such liquors into his custody, he shall shew
the same to the gager before he mix them with any other liquors,
rape, or other materials; on pain of 20*l.* *id.* *f.* 13.

24. If any common brewer, or innkeeper, shall on carrying out
his drink, or after it is carried out, mix any small beer or small
worts, with any strong beer or ale on his dray, or in any victual-
ler's cellar, or other place; he shall forfeit 5*l.* and the gager may
taste the drink upon the dray, and also on request may enter the
cellar or other room in the possession of any innkeeper or victual-
ler that shall receive any drink from a common brewer, and taste
the drink in the same; and if the innkeeper or victualler shall re-
fuse him to enter into his cellar or other rooms, or to taste the
drink in the same, he shall forfeit 5*l.* 7 & 8 *W. c.* 30. *f.* 23. Mixing after de-
livered out.

25. No retailer of beer or ale, shall after the receipt thereof
from the common brewer, mix any beer, ale, or worts, of extra-
ordinary Mixing by the
retailer.

ordinary strength, with any small beer, ale, or worts, in any vessel containing three gallons or more; on pain to forfeit for every barrel so mixt, double the duty of excise for strong beer or ale, and so proportionably for any greater quantity. 22 & 23 C. 2. c. 5. *f.* 11.

Measure and allowance for leakage, within the bills of mortality.

26. And for avoiding incertainties in the returns of the gagers, the barrel of beer (within the bills of mortality) shall be 36 gallons of four quarts to the gallon, according to the standard in the exchequer; and the barrel of ale 32 gallons: And all other the liquors aforesaid, shall be reckoned according to the wine gallon. 12 C. 2. c. 24. *f.* 34. 1 *W. fl.* 1. c. 24. *f.* 5.

And the common brewer, not selling the same by retail, for waste by fillings and leakage, shall be allowed on every 23 barrels of beer, whether strong or small, three barrels; and upon every 22 barrels of ale, two barrels. 12 C. 2. c. 24. *f.* 36.

But if any common brewer shall make a false entry, and be convicted thereof; he shall, over and above other penalties, forfeit the said allowance for six months then next ensuing. 12 C. 2. c. 24. *f.* 37.

In other places.

27. In all other places, 34 gallons shall be reckoned for a barrel of beer or ale; and the allowance for waste shall be two $\frac{1}{2}$ on every 23 barrels. 1 *W. fl.* 1. c. 24. *f.* 5.

Notes of the gage and charge to be left.

28. Notes of every gage, signed by the gagers, containing the inches and tenths of the backs, and warts of the tuns, and quality of the liquors, shall be left by them with the common brewers of ale or beer, or some servant (if demanded) at the time of taking the gages; on pain of 40 s. 7 & 8 *W. c.* 30. *f.* 46.

And by the same act, the gager shall, within three days after the end of every week, deliver to or leave with the brewer or retailer, or their servants, a true copy under his hand, of each respective charge by him made, containing the quantity and quality of the liquors by him charged in such week; and if he shall neglect or refuse (after demand in writing, 12 G. c. 28. *f.* 30.) to leave such copy, or shall charge such person more than such copy contains, he shall forfeit 10 l. *f.* 25.

Relief in case of over charge.

29. The commissioners of excise or appeals, or justices of the peace, on complaint of any over charge returned upon them by the gager, shall hear and determine the complaint, and examine witnesses on oath, and thereupon, or by other due proof, may discharge such complainant of so much of his charge as shall be made out before them. 1 *W. fl.* 1. c. 24. *f.* 13.

Entry and payment of duties.

30. All common brewers of beer and ale, shall once in every week; and all inkeepers, alehousekeepers, victuallers and other retailers of beer, ale, cyder, perry, or metheglin, brewing, making, or retailing the same, shall once in every month, make entries at the excise office, of all such liquors brewed, made, or retailed in that week and month respectively. 12 C. 2. c. 24. *f.* 29.

And all such common brewers who do not once a week make due entries, shall forfeit 10 l. And every such innkeeper who doth not make true entries once a month, shall forfeit 5 l. And every

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every alehousekeeper, victualler, or other retailer, who doth not once a month make due entries, shall forfeit 20*s.* *id.* *f.* 30.

And every common brewer who shall not pay within a week after he made his entry, or ought to have made his entry, shall pay double value of the duty; and every innkeeper, alehousekeeper, victualler, or other retailer who shall not pay within a month after he made his entry, or ought to have made his entry, shall pay double value of the duty. *id.* *f.* 31.

Provided that no such person shall be compelled to travel for making the said entries or payment of the said duties, or other cause whatsoever touching the same, if he live in a market town, out of the said town; if he live out of a market town, then to no other place than to the next market town to his habitation in the same county, on the market day. *id.* *f.* 32.

But no common brewer shall be prosecuted for any forfeiture for any misentry or short entry, if he shall in one week after the delivery of the copy of the return made by the gager, rectify his entry according to the said return, or otherwise discharge himself. 15 C. 2. c. 11. *f.* 6.

But no brewer shall have any benefit of this proviso, on any information to be brought against him for non-entry, false entry, or non payment; if it shall appear by the evidence, that he did not *bona fide* shew to the gager all the beer, ale, and worts of each respective guile, for such time for which such copy of the return was made; or if any apparent fraud was acted, to defraud the king of his duty, for any part of the drink brewed in the time for which such copy of the return is made or given by the gager. 1 W. *sess.* 1. c. 24. *f.* 10.

31. But if any person shall brew, and sell by retail, any small quantities of beer or ale in any fair, who is not otherwise a common brewer or retailer thereof, and shall before such selling and retailing, pay the excise for the same; he shall be freed from all penalties relating to such entries, and the like. 12 C. 2. c. 24. *f.* 39. Exception of selling in fairs.

32. If any *sweets*, having paid the duty, shall be intended to be removed, the excise officer shall on request give a certificate under his hand, expressing the quantity and quality, and from whom and to whom they are to be sent; and if any maker shall otherwise remove them, or vintner receive them, he shall forfeit 10*s.* a gallon, and also the liquor and casks. 6 G. c. 21. *f.* 22. Permit for removal after duty paid.

33. The commissioners and subcommissioners may compound with innkeepers and others for the duties. 12 C. 2. c. 24. *f.* 40. Compounding.

But no person who hath compounded shall, during the term of such composition, suffer any beer or ale to be brewed within his brewhouse, for any other common brewer, without first giving notice to the commissioners or subcommissioners, and forthwith paying down the excise thereof; upon pain that as well the brewer who shall brew the same, as the brewer for whom it shall be brewed, shall forfeit 5*l.* for every barrel. 15 C. 2. c. 11. *f.* 14.

Utenfils liable to the penalties and duties.

34. All the brewing vessels and utenfils for brewing, into whose hands soever they shall come, and by what conveyance or title soever they be claimed, shall be subject to all the debts and duties of excise in arrear for any beer or ale made in the said brewhouse; and shall also be subject to all penalties and forfeitures against the laws of excise; and it shall be lawful to levy debts and penalties, and use such proceedings against the utenfils therein contained, as it may be lawful to do, in case the debtor or offender using the said utenfils had been the real owner thereof. 15 C. 2. c. 11. f. 13.

Limitation of actions.

35. No information shall be brought against any common brewer, or alehousekeeper, vinegar maker, or cyder maker, for any misentry or offence, but within three months after the offence committed; and notice thereof shall be given to him in writing, or left at his dwelling house, within a week after laying and entering the information. 1 W. sess. 1. c. 24. f. 16. 12 & 13 W. c. 11. f. 17.

Delivering materials to distillers.

36. If any common brewer, or maker of cyder, making beer, ale, or cyder for sale, shall deliver to any distiller or vinegar maker, any wash, tilts, ale beer, vinegar beer, or cyder, without first giving notice to the gager, what quantity he intends to deliver, and when, and to whom; he shall forfeit for every barrel 20s. 8 & 9 W. c. 19. f. 9.

Exportation.

37. Ale, beer, cyder, or mum, may be exported; paying custom 1s. a ton. 1 W. f. 1. c. 22.

And on exportation thereof the excise shall be repaid. 22 & 23 C. 2. c. 5. f. 15. 7 G. f. 1. c. 20. f. 31.

II. Candles.

Duty on candles imported.

1. For every pound of tallow candles imported, shall be paid in the whole, by the several acts, 2d. $\frac{1}{4}$. 2 W. sess. 2. c. 4. f. 37. 8 An. c. 9. f. 1. 9 An. c. 6. f. 11.

For every pound of wax candles imported, 8d. 8 An. c. 9. f. 1. 9 An. c. 6. f. 11.

Duty on candles made in Great Britain.

2. For all candles made of wax, or usually called or sold for wax candles (notwithstanding the mixture of any other ingredients) made in Great Britain, shall be paid 8d. a pound:

All other candles 1d. a pound. 8 An. c. 9. f. 1. 9 An. c. 6. f. 11.

Rush lights excepted.

3. But the said duties shall not be charged on such small rush lights, as shall be made by any persons to be used in their own houses only, so as none of them be sold or delivered out or made for sale, and so as they be once only dipped in, or once drawn thro' grease or kitchen stuff, and not thro' any tallow melted or refined. 8 An. c. 9. f. 31.

Oil not to be used instead of candles.

4. During the continuance of the duties upon candles, no person shall use in the inside of his house, any lamp, wherein any oil or fat (other than oil made of fish within Great Britain) shall be burned for giving light; on pain of 40s. 8 An. c. 9. f. 18.

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5. No maker of candles shall erect, set up, alter, or use any melting house, workhouse, warehouse, storehouse, shop, room, or other place for the making or keeping of candles, or for the melting or keeping any wax, tallow, or other materials proper to be made into candles; or use any copper, furnace, moulds, or other vessel for melting of wax, tallow, or other materials to be made into candles; without notice thereof being first given in writing at the next office of excise: on pain of 50*l.* 8 *An. c. 9. f. 6.*

Places of making candles to be entred.

And all candles, wax, tallow, and other materials for making candles, which shall be found in any private melting house, workhouse, or other place, and all private coppers, furnaces, and other vessels, for which no entry shall be made, or notice given, shall be forfeited, or the value thereof. 8 *An. c. 9. f. 17.*

And by the 11 *G. c. 30.* If any maker of candles (except compounders) shall use any melting house, shop, or other place, for making or keeping of candles, or for melting or keeping of wax, tallow, or other materials, or use any copper or other vessel for melting the same, or any moulds or other utensil for making of candles, without having made entry thereof in writing at the next excise office; he shall forfeit 100*l.* *f. 23.*

And the officer, between five in the morning and eleven in the evening, with or without a constable, and between eleven in the evening and five in the morning, with a constable, shall be permitted on request to enter and search; and all chests and other like things locked up, shall on his request be opened; on pain that every person obstructing or molesting him, shall forfeit 100*l.* 11 *G. c. 30. f. 24.*

And if the officer on his searching any unentred house or place, shall find candles either made or making, or tallow or other materials melting or melted, or cottons or rushes spread, or any copper, mould, or other utensil warm with tallow or other materials; this shall be sufficient evidence to convict the offender in the penalty of 100*l.* for having used the same not being entred. 11 *G. c. 30. f. 25.*

And leaving a summons at the place where the discovery was made, directed to the person prosecuted by his right or assumed name, shall be deemed as effectual as if personally delivered to him, and by his proper name. *id. f. 26.*

6. The officer shall at all times, by day or by night, and if in the night, then in presence of a constable, be permitted on his request, to enter the house, melting house, warehouse, or other place, belonging to, or used by any person who shall be a maker of candles; and by weighing or tale of the candles, or otherwise, to take an account of the quantity; and shall thereof make a return in writing to the commissioners, or to whom they shall appoint; leaving a true copy of such report, under his hand, with or for the maker: and if he shall refuse or neglect to leave such copy (on demand thereof made in writing, 12 *G. c. 28. f. 30.*) he shall forfeit 40*s.* 8 *An. c. 9. f. 10.*

Officer to enter and take account.

The maker to keep scales and weights.

Notice and time of making.

Maker to declare the number and sizes.

7. And the maker shall keep just scales and weights, where he makes his candles; and shall permit and assist the officer to make use thereof, on pain of 10 *l.* 8 *An. c. 9. f. 11.*

8. No maker of candles for sale, shall begin to make any course or making of candles, without notice thereof first given to the officer, unless from *Sep. 29* to *Mar. 25.* yearly, between seven in the morning and five in the evening; and from *Mar. 25.* to *Sep. 29.* between five in the morning and seven in the evening; on pain of 10 *l.* 10 *An. c. 26. f. 107.*

9. Every maker of candles for sale, shall before he begins to make or dip any making or course of candles, declare to the officer the number of sticks he designs to make, and the sizes of the candles whereof each stick is to consist; and if such making or course is intended to be of moulded candles, then he shall declare to the officer, before he begins to fill the moulds, how many moulds he intends to fill at such making, and how often he intends at such making to draw the moulds: and if he shall neglect or refuse to make such declaration, or shall after such declaration make any increase of his number of sticks, or of the sizes of his candles in such making or course; or, in the case of making mould candles, shall fill a greater number of moulds, or draw such moulds oftner than shall be declared; or if he shall, after the weighing of any making of candles by the officer, increase the weight of such candles, by redipping, or otherwise; he shall forfeit 10 *l.* 10 *An. c. 26. f. 106.*

And by the 11 *G. c. 30.* If any maker of candles for sale, shall begin to make any course of candles, not being mould candles, or make preparation for the same, without notice in writing to the officer of such his intention, and of the time of the day or night when he intends to begin, and of the number of sticks of which such making is intended to consist, and of the sizes and number on each stick; he shall in default hereof, or if he have at such making more sticks, or more candles, or larger than mentioned in the notice, forfeit 50 *l.* and if after such notice, he shall not begin at the time, or within three hours of it, such notice shall be void. *f. 27.*

And lighting a fire under a vessel for melting the materials, or finding in such vessel, or in any mould, the materials melted or melting, or cottons or rushes spread or spreading, shall be deemed to be such a *beginning to work*, as shall make him liable to the said forfeiture. *f. 28.*

The officer shall charge for materials missing.

10. The officer shall be permitted to take an account of the quantities of wax, tallow, and other materials; and if he shall miss any that he had taken account of at the last time he was at the maker's, and shall not on demand receive satisfaction what is become thereof, the officer may charge such quantity of candles, as the materials so missing in his judgment would have made, not exceeding 108 *lb.* of candles for every 112 *lb.* of materials missing, and so proportionably. 8 *An. c. 9. f. 12.*

And if any such maker shall obstruct the officer, he shall forfeit 20 *l.* *f. 13.*

CRIMINAL (Criminal)

100

On the 1st day of January 1900, at the County of ... State of ...

I, the undersigned, Judge of the ... Court, do hereby certify that the within and foregoing is a true and correct copy of the ...

Witness my hand and seal of office at the City of ... this ... day of ... 1900.

Attest: My hand and seal of office at the City of ... this ... day of ... 1900.

Notary Public for the State of ...

My commission expires on the ... day of ... 1900.

Subscribed and sworn to before me on the ... day of ... 1900.

Notary Public for the State of ...

My commission expires on the ... day of ... 1900.

Notary Public for the State of ...

(continued) . . .

11. Candles cracked or spoiled in making, may be defaced by the officer, who shall make allowance for the duty. 8 *An. c. 9.* Candles spoiled in making.
f. 29.

12. No maker of candles shall (on pain of 20 *l.*) remove any candles, before the officer hath taken account of the same, without giving to the officer, within the bills, 24 hours notice; and elsewhere, two days notice, of his intention to remove the same. Removing candles before surveyed.
 8 *An. c. 9. f. 14.*

13. The maker shall keep his candles which have not been surveyed, separate from all other candles which have been surveyed, for 24 hours after making, within the bills, and for two days elsewhere; unless they shall have been sooner surveyed by the officer: on pain of 5 *l.* 8 *An. c. 9. f. 15.* Candles unsurveyed to be kept separate.

14. If any officer of the excise shall have cause to suspect, that any candles are fraudulently concealed, if it is within the bills, then on oath made by such officer before two commissioners, or if it be elsewhere, then upon oath before any justice of the peace, setting forth the ground of his suspicion, they or he may empower such officer by day or night by special warrant (but if in the night, in presence of a constable) to enter into the places suspected, and seize and carry away as forfeited all such candles, together with the package; and if any person shall obstruct such officer, he shall forfeit 100 *l.* 23 *G. 2. c. 21. f. 34.* Search for candles concealed.

15. If any maker of candles for sale, shall mingle candles which have not been weighed by the officer, with those which have; or shall fraudulently remove any before weighing; or conceal any candles or materials: he shall forfeit 100 *l.* 11 *G. c. 30. f. 30.* Further penalty of removing, mingling, or concealing.

16. Every person who shall make any candles within the bills of mortality shall monthly, and elsewhere once in every six weeks, make a true entry in writing, at the next excise office, of all candles by him made within such time; which entry shall contain the weight, number, and size of the candles, and what quantity thereof was made at each course in the several weeks; on pain for every neglect of entry to forfeit 20 *l.* Which entry shall be upon the oath of the maker or his chief workman, according to the best of their knowledge and belief; the said entries and oaths, within the bills, to be made with and administered by such officer as the commissioners shall appoint at the general excise office, and elsewhere by the collectors or supervisors. 8 *An. c. 9. f. 7.* Entry of candles made.

But he shall not be obliged to go further than the next market town, for making such entry. *f. 8.*

17. And the maker shall in four weeks within the bills, and elsewhere in six weeks, after such entry, pay and clear off the duties; on pain of double duty; and no maker after default in payment shall sell, deliver, or carry out any candles, till he hath paid off the duty, on pain of double value. 8 *An. c. 9. f. 9.* Duty to be cleared off.

18. And if there shall be found in the possession of any maker of candles for sale, any candles not mentioned in the entry made by him, and of which the officer hath not had an account, and the duties have not been paid; he shall be chargeable with the duties, and if he do not pay the same, he shall be liable to double duty, Candles not entered, nor duty paid.

duty, unless he shall prove that the duty hath been paid, or that he bought the same of some other chandler who had paid the duty, and that he gave six hours notice in writing to the officer, or at the next excise office, of his intention to buy the same, and of whom. 11 G. c. 30. *f.* 29.

Candles where
to be sold.

19. No person shall expose to sale any candles, unless in his publick shop or warehouse, publick fair or market; on pain of 5 *l.* 8 *An.* c. 9. *f.* 18.

Compounding.

20. The commissioners or such person as they shall appoint, and in default thereof the collector or supervisor, may compound with persons that make candles for their own private houses, for the duties, at 1 *s.* by the year for every head in the family, to be paid quarterly; and such person shall not be liable to the duties. 8 *An.* c. 9. *f.* 20.

But if any person after composition shall sell or deliver out any candles, or shall permit any other person to make candles in his house or outhouse; or shall have more persons of his family than he shall compound for, without giving notice of them in writing at the next excise office, at or before the next quarter day, and paying the like composition for them, he shall forfeit 5 *l.* and lose the benefit of his composition, and be liable to the duties and survey of the officers; and for every pound of candles so privately sold or delivered out or made, shall forfeit 5 *s.* *f.* 21.

And every such compounder, who shall make default in continuing the same, shall in ten days make entry upon oath of all such candles as he shall be possessed of, at the excise office, on pain of forfeiting 20 *l.* and the candles of which no such entry shall be made; and in six days after such entry, shall pay the duties, on pain of double value of the candles, and his houses and other places shall be liable to the search of the officers. 9 *An.* c. 6. *f.* 14.

Candles carried
coastwise.

21. Cocquets granted for shipping candles, to be landed in any other part of the kingdom, shall express the quality, quantity, and weight, the mark of the package, and by whom made and sold, and where consigned; and if they shall be shipped without such cocquet, they shall be forfeited, and seized, together with the package. 23 G. 2. c. 21. *f.* 29.

Exportation and
importation.

22. No candles shall be imported, otherwise than in some package, containing at least 224 *lb.* of neat candles, and stowed openly in the hold; on pain of being seized and forfeited, together with the package; and the master of the vessel shall forfeit 50 *l.* 23 G. 2. c. 21. *f.* 27.

But on information brought against such master, he may detain the wages of the mariners, till it be determined; and if it shall appear, that the candles were put on board by any mariner without the master's knowledge, the master may apply such mariner's wages, in payment of the forfeiture. 26 G. 2. c. 32. *f.* 8.

And the officers of excise (in like manner as the officers of the customs) may go on board any vessel, and search for and seize all candles forfeited, together with the package; and they may likewise seize such as before entry and payment of duties, shall be found unshipping or unshipped, 23 G. 2. c. 21. *f.* 28.

Candles

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The following is a list of the names of the persons who have been appointed to the various positions in the various departments of the Government of the State of New York, for the year 1900.

[illegible]

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. To read the text of the report.

5. 5. 1.

Candles for which the duty hath been paid may be exported, and the duty drawn back. 8 *An. c. 9. f. 24, 25, 26.*

But no drawback shall be allowed, on the exportation of any foreign candles imported. 23 *G. 2. c. 21. f. 36.*

And the officers of excise or customs may seize any candles, with the package, that shall be found in any vessel, cart, or other carriage, where they shall have good reason to believe, that the same were made in some private workhouse, or clandestinely imported without payment of duty; or that the same have been exported and relanded after repayment of the duty: and if the party in whose possession the same shall be found, shall not at the hearing of the information, make it appear that the duty hath been paid or secured, he shall forfeit 5 *l.* for every 100 *lb.* weight, and also the candles and package shall be forfeited. *f. 30.*

And if any foreign candles shall be unshipped, with intention to be laid on land, before entry and payment of the duties, or shall be landed again after shipping for exportation upon debenture; the same, together with the package, vessels, boats, horses, and other carriages, used in landing or conveying the same, shall be forfeited, and may be seized by any officers of the customs or excise; and the persons from whom the same shall be seized shall forfeit 5 *l.* for every hundred weight. *f. 31.*

And if any person shall knowingly harbour or conceal any candles unlawfully imported, or relanded after shipping for exportation upon debenture; he shall, whether he claims any property therein or not, forfeit 50 *l.* for every hundred weight, together with the candles and package. *f. 32.*

And where any such candles shall be seized as forfeited, and no person shall claim the same in 20 days, if it is within the limits of the chief office of excise in *London*, the officer who made the seizure may cause notice signed by the solicitor of excise, to be affixed at the *Royal Exchange*, of the time of proceeding to trial and condemnation of the same by the commissioners of excise; and if it is out of the said limits, then publick notice shall be given by proclamation at the next market town on the market day next after the said 20 days, of the day and place where the justices will proceed to trial and condemnation thereof. And the judgment thereon, shall not be liable to any appeal, or to be removed by *certiorari*. *f. 33.*

23. All the said fines, forfeitures, and penalties, may be re- Power of the covered and mitigated as by the laws of excise, or in the courts at justices. *Westminster*; and distributed half to the king, and half to him that shall inform or sue. 8 *An. c. 9. f. 28.* 11 *G. c. 30. f. 39.* 24 *G. 2. c. 40. f. 33.*

24. And if the party is not satisfied with any judgment of the Appeal justices on the act of 23 *G. 2. c. 21.* before mentioned, he may appeal to the next quarter sessions, except in the case before mentioned where no person shall claim the goods seized. *f. 37.*

25. And on informations on the said act of 23 *G. 2.* the mi- Mitigation, tigations shall not reduce the penalty to less than a fourth part, over above the costs and charges to be allowed. *f. 38.*

Proof to lie on the owner.

26. And where candles shall be seized for nonpayment of duties, or non-entry, and it shall be disputed whether such payment or entry was made or not, the proof shall lie on the claimer, and not on the officer. 23 G. 2. c. 21. s. 35.

Utensils liable to the duties and penalties.

27. All candles, materials, and utensils for making of candles, in custody of any maker of candles, or person in trust for him, shall be chargeable with all duties in arrear, and subject to all penalties and forfeitures, in the same manner as if the debtor or offender were the lawful owner. 8 An. c. 9. s. 19.

III. Coaches.

Duty on coaches.

1. For every coach, berlin, landau, chariot, calash, with four wheels, chaise marine, chaise with four wheels, and caravan; kept by any person for his own use, or to be let out to hire; shall be paid 4*l.* yearly: and for every calash, chaise, and chair with two wheels, kept by any person for his own use, or to be let out to hire; shall be paid 40*s.* yearly. 20 G. 2. c. 10. s. 1.

But this shall not extend to *licensed hackney coaches*, within London and Westminster and the suburbs thereof, not employed in carrying persons more than ten miles from the said cities. s. 11.

Nor to *coaches kept for sale*: But no such carriage shall, whilst in possession of the coachmaker or other person, be employed for his own use, or for the use of any other person (other than such whose carriage shall be then and there mending), or be let out to hire; on pain of 20*l.* s. 12.

Nor to any *publick stage coach*, which is constantly employed in carrying passengers for hire, on certain fixed days in every week, and not let to hire by way of by jobb, for a day, or any longer time. s. 7.

Nor to any *post chaise* kept for hire by the postmaster general, or any deputy postmaster: But such post chaises shall in 30 days after letting out the same, be entred by the owners at the next office of excise; and shall (besides the king's arms) have such mark of distinction fixed thereon, as shall be appointed by the commissioners; on pain of 20*l.* s. 8, 9.

And the commissioners shall cause a mark of distinction to be fixed on every such carriage, that shall be let out to hire; and if any person shall let out to hire any such carriage without such figure fixed thereon, or shall take off the same when fixed; he shall forfeit 20*l.* s. 10.

Moreover, no person shall be obliged to pay the said yearly sum of 4*l.* for more than five such carriages kept for his own use only; but if he keep the same for supplying any waiting jobb, by the day, week, month, quarter, or any other time, or to be let out to hire, he shall pay 4*l.* for each, tho' exceeding the number of five; and every person who shall keep such carriage with two wheels, to be let out for hire, shall pay 40*s.* yearly for each, tho' exceeding the number of five. s. 2.

Entry and payment of the duties.

2. Every person who shall keep such coach or other carriage, shall in 20 days after he shall begin to keep the same, and within 20 days yearly after the expiration of 12 kalendar months after the

of the Department of the Interior, Bureau of Land Management, Washington, D. C., is hereby notified that the following land is being offered for sale to the public at public auction, to-wit:

Section 10, Township 10 North, Range 10 East, 1st Meridian, in the State of Montana.

and that the same is being offered for sale to the public at public auction, to-wit:

Section 10, Township 10 North, Range 10 East, 1st Meridian, in the State of Montana.

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Section 10, Township 10 North, Range 10 East, 1st Meridian, in the State of Montana.

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the time of giving such first notice,—give notice in writing, at the chief office of excise in *London* (if within the bills); and elsewhere, shall give notice at the next office of excise,—of his keeping the same, and the number, and whether with four or two wheels, and where he resides; and at the same time pay down the duties: on pain of 20 *l.* *f.* 4, 5.

But if the duties are paid, and entry made, before information brought, the party shall not be prosecuted, tho' it be not strictly within the time limited. *f.* 15.

And the said entry and payment shall be registred by the proper officer, and a receipt given for the duty, of which receipt the officer shall keep an indented duplicate. *f.* 6.

3. Where a person shall die before the end of the year, the person claiming title to the coach, may use it, as the deceased might have done. *f.* 16. Person dying before the end of the year.

4. All the said rates and duties, and all forfeitures and offences, shall be determined by the commissioners of excise (or of appeals, in case of appeal), within the limits of the chief office in *London*; and elsewhere, by two justices near; who shall, on complaint upon oath, summon the party, and on his appearance or contempt, may examine the fact, and on proof thereof either by confession, or oath of one witness, give judgment, and issue warrants for levying penalties by distress and sale (if not redeemed in 14 days); which shall be employed (all necessary charges first deducted) half to the use of the king, and half to the informer: and for want of sufficient distress, they may imprison the party till satisfaction is made. *f.* 13, 14. Power of the justices.

[But as these duties chiefly affect the nobility and persons of distinction, it had been better if the act had been more explicit with respect to the punishment; otherwise it may not be so safe for justices of the peace, upon such vague and general words, to imprison a peer of the realm, or distrain the goods of a member of parliament during their session. But if the justices will proceed, or shall be compelled by *mandamus*, or otherwise, so to do; they must remember withal, that by the 27 G. 2. c. 20. they may not order the distress to be detained more than eight days, nor less than four.]

5. Persons aggrieved by the determination of the justices, may appeal to the next quarter sessions. *f.* 13.

IV. Coffee, tea, and chocolate.

1. For all coffee imported, shall be paid at the custom house, Duty on coffee. in the whole, the sum of 3 *d.* a pound. 10 G. c. 10. *f.* 48, 49.

And an inland duty, to be paid by the maker or seller, of 2 *s.* a pound. *id.* *f.* 4, 6.

Except coffee of the growth of the *British* plantations in *America*; which shall pay only 1 *s.* 6 *d.* a pound. 5 G. 2. c. 24. *f.* 1.

2. No tea shall be imported, but from the place of its growth; Duty on tea. on pain of forfeiture. 11 G. c. 30. *f.* 8.

And by the 18 G. 2. c. 26. Over and above the customs on importation, there shall be paid on all tea, an inland duty of 1 s. a pound, and 25 l. for every 100 l. of the gross price at which it shall be sold at the *East India* company's sales; which shall be paid in ready money by the proprietor to the collector, before it be taken out of the warehouse. f. 2.

In order to which, the commissioners may appoint officers to attend at the *East India* company's sales, and take an account of the names of the buyers and prices, and make report thereof to the commissioners; from whence the 25 l. per cent. shall be ascertained; and to prevent mistakes, the said officers may inspect the company's books. 18 G. 2. c. 26. f. 6.

And every person declared the best bidder at such sale, shall within three days after, deposit with the company or their clerk 40 s. for every tub and chest of tea, on pain of six times the value, and such sale shall be void, and the same shall in 14 days after be put up again. f. 7.

Duty on cocoa
nuts and choco-
late.

4. No chocolate ready made, or cocoa paste, shall be imported, on pain of forfeiting the same, and double value; and also the bags, casks, and other package. 10 G. c. 10. f. 2.

For cocoa nuts imported, shall be paid at the custom house in the whole, 10 s. a hundred weight. 10 G. c. 10. f. 47, 49.

And if any person shall import any cocoa nut shells or husks, without the nuts, the officers of the customs, excise, or inland duties, may seize them, with the bags, boxes, and package; and after condemnation they shall be destroyed or otherwise disposed of, as the respective commissioners, or three of them shall appoint; and they may reward such officer in any sum not exceeding 20 s. a hundred weight. 4 G. 2. c. 14. f. 12.

For all chocolate made or sold in *Great Britain*, shall be paid by the maker or seller, 1 s. 6 d. a pound. 10 G. c. 10. f. 6.

Officers of excise
may go on board
and search.

4. The excise officers may go on board any ships, and search as the officers of the customs may do, for coffee, tea, cocoa nuts, chocolate, and cocoa paste, and seize all such as shall be forfeited, or shall be unshipt without entry and payment of duties; with the boxes, bags, and other package. 11 G. c. 30. f. 1.

Ships hovering
near the coast.

5. And where any vessel coming from foreign parts, and having six pounds or more of tea on board, shall be found at anchor, or hovering within two leagues of the shore, or be within the limits of any port, and not proceeding on her voyage, wind and weather permitting; all such tea, with the chests and other package, or the value thereof, shall be forfeited (whether bulk shall have been broken or not), and the same may be seized and prosecuted, or the value thereof sued for by the officers. 9 G. 2. c. 35. f. 22.

The said goods
to be ware-
housed.

6. Coffee, tea, and cocoa nuts imported, on entry at the custom house, and paying or securing the duties, shall be put into warehouse, to be provided at the charge of the importer, and to be approved of by the commissioners of the customs. 10 G. c. 10. f. 26.

Penalty of not
entring and
warehousing.

7. And if any person shall import any coffee, tea, or cocoa nuts, without entry, and bringing the same into the warehouse, the same shall be deemed clandestinely run, and may be seized by any

(22-1000) 1000

any officer of the customs or inland duties ; and the offender shall forfeit the same with the package, and the horses, carts, and carriages. 10 G. c. 10. f. 27.

8. And the owner of the said goods, and the officer for the inland duties (who shall be appointed by the commissioners of the said duties) shall have each a lock and key ; and the owner may in presence of the said officer, and of the warehouse keeper (to be appointed by the commissioners of the customs) view, garble, and sort the said goods, to make them merchantable, and receive them out in the manner hereafter mentioned. 10 G. c. 10. f. 26, 29, 30.

Owner and officer to have each a lock and key.

9. That is to say, As to coffee and tea in the first place ;—If they are intended to be taken out for home consumption, the proprietor, within the bills, shall make entry with the receiver or collector in *London*, of so much as he intends to take out of the warehouse, and pay down the duty ; and elsewhere shall make entry at the next office, and pay the duties to the collector ; and on producing a certificate signed by such collector or receiver (certifying that he has received the duty) to the warehouse keeper, he shall deliver out so much as is mentioned in the certificate ; and shall deliver a permit to accompany such coffee or tea so delivered out, which shall also be signed by an officer attending the warehouse, to prevent the seizing thereof. 10 G. c. 10. f. 26.

Taking out of the warehouse coffee and tea for home consumption.

10. And as to cocoa nuts, intended to be taken out of the warehouse, to be made into chocolate ;—an entry thereof shall be made by the proprietor with the receiver or collector, as a charge on him and also on the buyer ; who shall certify such entry to the warehouse keeper ; and on such certificate, the quantity of cocoa nuts mentioned therein shall be delivered out with a permit signed by the officer at such warehouse, to be delivered to the officer where they are intended to be carried, that the same officer may take the same into stock. 10 G. c. 10. f. 26.

Taking out of the warehouse cocoa nuts to be made into chocolate.

11. And as to coffee, tea, and chocolate intended for exportation ;—it shall be delivered out of the warehouse, on security given that it shall be exported, and not relanded ; which security shall be discharged, on a certificate under the common seal of the chief magistrate in any place beyond the seas, or under the hands and seals of two known *British* merchants there, that the same were there landed, or on proof by credible persons that it was taken by enemies, or perished in the seas. 10 G. c. 10. f. 26.

Taking out of the warehouse coffee, tea, and chocolate, for exportation.

But by the 18 G. 2. c. 26. No Drawback shall be allowed on tea exported. f. 5. Saving that it may be exported to *Ireland*, or the *British* plantations in *America*, without paying the inland duties before mentioned. 21 G. 2. c. 14.

12. And no seller or dealer shall receive out of the warehouse, less than one hundred weight of each sort at one time ; except where the importation and delivering in shall be in less quantities, or where the same shall be sold in lots or parcels less than a hundred weight. 10 G. c. 10. f. 34.

What quantity shall be taken out at a time.

13. And the warehouse keeper and officer appointed by the commissioners of the inland duties shall each of them keep a book, wherein they shall enter an account of all coffee, tea, and cocoa

Warehouse keeper and officer to keep an account.

nuts brought into and carried out of the warehouse, and the day and time when, and how much was delivered for home consumption, and how much for exportation, and the names of those for whom it was delivered out; and shall every six weeks, or oftner if required, transmit an account thereof in writing and on oath to the respective commissioners, with an account how much is remaining in the warehouse: Which said commissioners shall in one month appoint a person to inspect the books and warehouses, and examine the accounts; and if it shall appear that any was otherwise delivered out, or before payment of the duties on such coffee and tea as were sold for home consumption, or giving security for what was delivered for exportation, the warehouse keeper and officer respectively offending shall forfeit 100 *l.* and be disabled to hold any publick office. 10 G. c. 10. s. 29.

Who shall be deemed a dealer in coffee, tea, and chocolate.

14. Every person who shall keep a publick house, shop, cellar, or other warehouse, for selling of brandy or other spirituous liquors, and shall have in his custody any coffee, tea, chocolate, or cocoa nuts above six pounds weight, shall be deemed a dealer in the said commodities. 11 G. c. 30. s. 4.

Licence for retailing.

15. No person shall be permitted to sell or retail any coffee, chocolate, sherbet, or tea, without licence first had by order of the general sessions of the peace in the respective counties (certificate being first shewed, that he hath given good security for payment of the duties to the king); or from the chief magistrate of the place in whose jurisdiction he shall inhabit. And no licence shall be granted to any retailer, till such security shall be given by recognizance or otherwise: For which licence, recognizance, and security, 12 *d.* shall be given, and no more, for the payment of the excise. And persons selling without such licence and security, shall forfeit 5 *l.* a month. 15 C. 2. c. 11. s. 15.

Houses of manufacturing and sale to be entred.

16. Every druggift, grocer, chandler, coffee house keeper, chocolate house keeper, and other person selling or dealing in coffee, tea, and cocoa nuts, or making or selling chocolate, either by wholesale or retail, shall before he take any the said goods into his possession make entry in writing of all storehouses, shops, rooms, and other places intended to be used by him, at the office for the division; on pain of forfeiting 200 *l.* and the said goods found therein, with the canisters, bags, vessels, and other package. 10 G. c. 10. s. 10.

And no entry of any shop, warehouse, room, or utensil for carrying on any trades aforesaid, shall be deemed a legal entry, unless made in the name of the real owner of, and trader in such shop; and the person who acts as visible owner of such place, or principal manager in such trade, shall be deemed the real owner and trader, and consequently liable for any stock found there, or for not making entries, or other offences. 18 G. 2. c. 26. s. 8.

And none of the said goods shall be offered to sale but in places entred, or in a warehouse to be approved of by the commissioners; on pain of forfeiting the same and treble value, together with the canisters, bags, and other package. 10 G. c. 10. s. 14.

Notice of bringing in

17. No coffee, tea, cocoa nuts, or chocolate shall be brought into any such shop or other place, without first giving notice there-

of

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

2. Next, it is important to gather relevant information and data. This can be done through research, consultation with experts, or by analyzing existing data sets.

3. Once the information is gathered, the next step is to develop a plan or strategy to address the problem. This may involve breaking the problem down into smaller, more manageable parts.

4. The fourth step is to implement the plan. This involves putting the strategy into action and monitoring progress as you go.

5. Finally, it is important to evaluate the results of the process. This involves comparing the actual outcomes to the expected results and identifying any areas for improvement.

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1. 1950年10月1日，中华人民共和国成立，标志着中国历史进入了一个新的纪元。

1950年10月1日 星期日

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The first part of the paper is devoted to a discussion of the
theoretical background of the study. It starts with a brief
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methodology. The second part of the paper is devoted to
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of to the officer of the division, and leaving with him a certificate signed by the officer of the division from whence they were brought, that the duties on such coffee, tea, and chocolate have been paid, or that they have been condemned as forfeited; and in case of bringing in of cocoa nuts, that they have been entred with the officers of the customs, or were condemned as forfeited; and expressing the quantity and quality, and where the duties were paid, or at what port the customs and duties were paid for the cocoa nuts, or were condemned; on pain of forfeiting the same and treble value, with the canisters, bags, and other package. 10 G. c. 10. f. 11.

18. And where any of them shall be sold in the said entred places, above the weight of 6 lb. the officer shall, on request of the seller; give to the buyer a certificate signed by him, expressing the quantity, and the names of the buyer and seller, and that the duties have been paid, or that the cocoa nuts have been entred with the officers of the customs, or that they have been condemned as forfeited; which certificate shall be left with the officer of the division to which the same is intended to be carried, to prevent the seizing thereof. 10 G. c. 10. f. 15. Permit when sold to the retailer.

19. The officers shall be permitted at all times by day, to enter all warehousfes, shops, and other places, and by weighing, gaging, or otherwise, to take an account of the quantity and sorts; in the weighing whereof the owner shall be assisting, and keep just weights and scales; on pain of 100 l. 10 G. c. 10. f. 12. Officers to enter and survey.

20. And if any officer shall have cause to suspect, that any the said goods shall be concealed, if it is within the bills, then on oath made before two commissioners, or elsewhere, before one or more justices, setting forth the ground of his suspicion, they may by warrant authorize such officer by day or night, but if in the night then in presence of a constable, to enter the place suspected, and seize and carry away the same (if found) as forfeited, together with the bags, canisters, and other package; and if any person shall obstruct such officer, he shall forfeit 100 l. 10 G. c. 10. f. 13. Search for goods concealed.

And if any seller or dealer shall conceal any the said goods, he shall forfeit the same and treble value, with the canisters, bags, and other package; and if any person shall obstruct the officer in seizing any the said goods by virtue of this or any future act, or after seizure shall endeavour to rescue the same, or break or damage the vessels or package; he shall forfeit 50 l. f. 39, 40.

And by the 11 G. c. 30. Two commissioners or any justice of peace, on complaint by an officer on oath, that he suspects any dealer not to have made true entries, setting forth in such oath the causes of his suspicion, may summon such suspected person to appear with his books, and examine him on oath touching the truth of his entry; and if he shall refuse or neglect to appear, or to make such oath, he shall forfeit 20 l. f. 12.

21. No person shall mix with coffee, to increase the weight, any butter, grease, water, or other materials; on pain of 100 l. and if any dealer shall knowingly buy or sell any so mixed, he shall forfeit 100 l. 11 G. c. 30. f. 9. True manufacturing of coffee.

And the commissioners may appoint houses and proper materials for roasting of coffee berries, and officers to attend them, and one person at each house well skilled in roasting of coffee; to which all persons may resort to have their coffee berries roasted, bringing a certificate from an officer that the duties have been paid, or that it hath been condemned as forfeited; for the roasting of which coffee shall be paid 8 s. a hundred weight. 10 G. c. 10. f. 31.

But the sellers and dealers may if they think proper, send their own roasters; who shall be permitted to roast the same, paying 3 s. a hundred weight. 10 G. c. 10. f. 32.

And during the continuance of such roasting houses, no coffee berries shall be roasted, burned, or dried, but in one such house; on pain of forfeiting the same, and 5 s. a pound. 10 G. c. 10. f. 33.

And if any officer or roaster shall neglect or refuse to attend such house, he shall forfeit 10 l. for the first offence, and 20 l. for the second, and be incapable to hold any office in the revenue. 10 G. c. 10. f. 34.

True manufac-
turing of tea.

22. No dealer in tea, or manufacturer, or dyer thereof, shall adulterate it, or alter, or manufacture it with any drug, or mix it with any leaf or other ingredient; on pain of forfeiting the same, and 100 l. 11 G. c. 30. f. 5.

And by the 4 G. 2. c. 14. If any dealer in tea shall dye, or manufacture, any sloe leaves, liquorice leaves, or the leaves of tea that have been used, or any other leaves in imitation of tea, or shall mix or colour such leaves of tea, with *terra japonica*, sugar, molosses, clay, logwood, or any other ingredients; or shall offer to sale, or have in his custody any such leaves in imitation of tea, or any such stained leaves of tea mixed with any ingredients; he shall forfeit for every pound weight thereof 10 l. f. 11.

True manufac-
turing and
stamping of cho-
colate.

23. The maker of chocolate, if within the bills, shall weekly, and elsewhere every six Weeks, make entry in writing at the next office, of all chocolate made by him within that time, setting forth the weight thereof, on pain of 50 l. Which entry shall be upon oath of the maker or his chief workman, according to the best of his knowledge and belief, to be administered within the bills by such officers as the commissioners shall appoint, and elsewhere by the collectors and supervisors. But no person shall be obliged to go further to make entry, than the next market town. 10 G. c. 10. f. 17.

And he shall in one week within the bills, and elsewhere in six weeks after entry, clear off the duties, on pain of 50 l. besides the duty; and he shall after default in payment, sell or deliver none out till the duty is paid, on pain of treble value. 10 G. c. 10. f. 18.

And he shall at the time of entry produce the same so made, tied with thread in papers of one pound each; which shall be marked or stamped by the officers. 10 G. c. 10. f. 19.

And if any person shall counterfeit the said stamp, or shall knowingly sell any chocolate with a counterfeit stamp; or shall, on chocolate, for which no entry hath been made, nor the duties paid, fix any paper with the stamp on; he shall forfeit 500 l. and

be committed to the next county gaol for twelve months. 10 G. c. 10. s. 22. 11 G. c. 30. s. 13.

And if any stamped chocolate shall be damaged, the owner may in presence of an officer open it, and deliver the stamps to the officer, and work it over again with fresh cocoa nuts, and have it restamped, paying duty for what is added. 11 G. c. 30. s. 14.

But on reworking chocolate, proof shall be made (before the commissioners within the bills, and before two justices elsewhere) that the duties for the cocoa nuts whereof it was made, and for those also which are added, have been paid, and the chocolate entered. 11 G. c. 30. s. 15.

24. If any person shall be minded to make chocolate for his own family, and not for sale, and shall give notice thereof under his hand to the officer of the division, three days before he begins to make, in which notice shall be specified the quantity of cocoa nuts designed to be made into chocolate, the name of the person to be employed in the making, and the place where; in such case the officer shall give a permission under his hand for making the same, and the place shall not be liable in respect thereof to be surveyed. 10 G. c. 10. s. 23. Chocolate made for private families.

And the person for whom it is made, shall in three days after finishing, make entry on oath with the officer, of the whole quantity then made by virtue of such permit, and bring the same wrapt up as before, to have it stamped, and shall pay the duty; and in default thereof, shall forfeit the same, and treble value. s. 24.

And no person shall be permitted to make into chocolate for his own private use, less than half a hundred weight of cocoa nuts at a time. s. 25.

25. And if any person shall offer any tea to sale, not having a permit; or if any pedlar or other trading person, going from town to town, or other mens houses, and trading either on foot, or with any horse or other cattle, or otherwise, shall offer any such tea to sale, altho' he have a permit; the person to whom it is offered to sale, may seize and detain the same, and carry it to the next warehouse belonging to the customs or excise, and bring the person before a justice of the peace to be by him committed to prison, and prosecuted for the penalties incurred for such offence; and such tea may be prosecuted in the name of the person who stopped or seized the same, in like manner as if it had been seized by an officer. 9 G. 2. c. 35. s. 20. Penalty of re-tailing the same without a permit, or pedlars with one.

And none of the said goods above six pounds weight, shall be removed or carried from one part of the kingdom to another, without a permit signed by an officer, signifying the names and places of abode of the buyer and seller, and the quantity and species of the goods, and that the duty hath been paid, or the cocoa nuts entered as aforesaid, or that they have been condemned as forfeited; on pain of forfeiting the same, together with the canisters, bags, or other package: Which permit shall be left with the officer of the division to which the same shall be carried, to prevent the seizure thereof; in which permit shall be expressed the time for which it shall continue in force. 10 G. c. 10. s. 16.

And if any person shall take out a permit for removing coffee, tea, or cocoa nuts, and shall not send away the goods within the time limited, nor return the permit, he shall forfeit treble value; and if there shall not appear a sufficient decrease made in the stock to answer the quantity in the permit, the officer may seize so much of the said stock as forfeited, as will answer the said quantity in the permit: But no person shall receive a permit, without the direction in writing of the person (or his servant) from whose stock the goods are to be removed; on pain of 50*l.* and in default of payment, he shall be imprisoned three months. 11 G. c. 30. *f.* 11.

Account to be kept of small quantities consumed.

26. All sellers and dealers in any the said goods, and all makers of chocolate, and coffee or chocolate house keepers, who shall consume the same in small quantities under six pounds, shall keep an account of all coffee, tea, chocolate, and cocoa nuts which they shall consume in each day; and every night enter in a book an account of the gross quantities retailed by them under six pounds; and shall keep another book, wherein they shall enter each parcel above six pounds, which they shall sell in each day, which shall not be removed without a permit from the officer, expressing the quantity and quality, and the name of the seller and buyer, and where it is to be carried, and that the duties were paid, or the cocoa nuts entred, or that they were condemned as forfeited; which books shall be prepared by the commissioners, and by them delivered on demand to such sellers and dealers: and when the books shall be filled up, they shall be returned to the officer upon oath of the truth of the entries; and the said books shall from time to time lie open, and be perused by the officer: And if such seller or dealer shall omit his duty in regard to the said books, he shall forfeit 100*l.* 10 G. c. 10. *f.* 35.

But by the 12 G. c. 28. No dealer in cocoa nuts shall dispose of less than 28 pounds at a time, and then shall enter in writing the name and place of abode of the person to whom sold, and on demand shall produce such account to the officer; on pain of 20*l.* for each pound of cocoa nuts otherwise disposed of, and of 20*l.* for default about the entry. *f.* 29.

Power of the justices.

27. All the said penalties and forfeitures shall be recovered and mitigated as by the laws of excise or in the courts at *Westminster*; and be employed half to the use of the king, and half to the informer. 10 G. c. 10. *f.* 41. 11 G. c. 30. *f.* 39. 4 G. 2. c. 14. *f.* 10. 18 G. 2. c. 26. *f.* 14. 24 G. 2. c. 40. *f.* 33.

And by the 12 G. c. 28. the penalties on the said act shall be recovered as by the laws of the customs or excise respectively. *f.* 33.

Proof to lie on the claimer.

28. And on disputes whether the duties have been paid, the proof shall lie on the claimer, and not on the officer. 10 G. c. 10. *f.* 28.

Condemnation and sale.

29. The commissioners shall cause all tea and coffee seized in *London*, and condemned, to be sold there; and if seized elsewhere, they shall cause it after condemnation to be brought and sold in *London*. 12 G. c. 28. *f.* 1. Or, after having been first valued by sworn valuers, they may be sold where the commissioners shall think proper. *f.* 16.

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But if they think fit, they may cause fuch tea as cannot be fold for 5 s. a pound, to be burnt or otherwife destroyed; and the perfon making feizure, to be rewarded as they fhall think proper, not exceeding 1 s. 6 d. for each pound of fuch tea. *f. 3.*

30. But no officer of the customs, or other perfon, fhall be intitled to any reward for any feizure of the faid goods, unlefs he give notice of the feizure to the next officer of excife, or fupervifor, in 48 hours; who fhall, on fuch notice, take an account of the fpecies and quantity; nor fhall fuch goods be removed without a permit from fuch officer of excife, on pain of refeizure. 12 G. c. 28. *f. 6.* Reward.

31. All ftock and utenfils found in the fhops or other places aforefaid, fhall be liable to the duties and forfeitures. 18 G. 2. c. 26. *f. 8.* Utenfils liable.

V. Glasf.

1. By the 19 G. 2. c. 12. Certain additional duties are laid upon glafs imported, over and above what it fhall pay by the 2^d *Act*. *f. 2.* Duty on importation.
Seff. 2. c. 4. and by the book of rates of the 12 C. 2. which fhall be under the management of the commiffioners of the customs. *f. 2, 8.*

2. Moreover, there fhall be paid a duty of 9 s. 4 d. a hundred weight, upon all materials, metal, or other preparation for making of crown, plate, and flint glafs, and all white glafs; and of 2 s. 4 d. a hundred weight, upon all materials for making common bottles, and all other green glafs: To be paid by the maker; and to be under the management of the commiffioners of excife. *f. 4, 5, 6, 9.* Inland duty.

3. In order whereunto, every maker of glafs fhall firft make entry in writing at the next excife office, of his name, and of all his furnaces, pots, pot chambers, warehoufes, rooms, and other places for making or keeping of glafs, or of materials for making it; and if he fhall ufe the fame, without firft giving notice to the proper officer, he fhall forfeit 50 l. *f. 10.* Place of making to be entred.

4. And he fhall, before he begin to fill any pot, give 12 hours notice in writing to the officer, of the time and hour when he intends to begin, with an account of the weight of the materials, and the fpecies of glafs to be made; on pain of 50 l. *f. 11.* Notice of beginning to work.

And if the filling be not begun purfuant to fuch notice, the faid notice fhall be void. *f. 12.*

5. The officers fhall be permitted at all times, by day or night, to enter into the workhoufe, warehouse, or other place for making of glafs; and to weigh and take account of the quantity of materials; and fhall make report thereof to the commiffioners or whom they fhall appoint, leaving a copy (if demanded) under his hand, for the glafs maker; and if he fhall not leave fuch copy on demand, he fhall forfeit 40 s. *f. 13.* Officer to enter and furvey.

And if any perfon fhall obftruct any officer in the execution of his duty on this act, he fhall forfeit 50 l. *f. 16.*

6. And the maker fhall keep fcales and weights at the place where the glafs is made, and affift the officer in weighing; on pain of 50 l. *f. 14.* Maker to keep fcales and weights.

Entry of glaſs made.

7. Every maker within the bills ſhall monthly, and elſewhere once in ſix weeks, make entry in writing at the next exciſe office, of the quantities of the materials uſed in each making, on pain of 20 *l.* which entries ſhall be made on oath before the commiſſioners within the bills, and elſewhere before the collector or ſupervifor. *f.* 17.

But no maker ſhall be obliged to go further than the market town where it is made, or the next market town, for the making ſuch entries. *f.* 18.

Payment of the duty.

8. The maker, within the bills, ſhall in four weeks, and elſewhere in ſix weeks after entry, pay off the duties; on pain of double duty. *f.* 19.

Allowance for glaſs ſpoiled in making.

9. If any pot filled with materials ſhall crack or break, where-by any part thereof ſhall become unfit for ſervice, on proof thereof to the commiſſioners where ſuch glaſs houſe ſhall be ſituated, they ſhall make an allowance for the ſame. *f.* 15.

Exportation.

10. Any perſon who hath paid the duty, may export the glaſs; and have the duty drawn back; and if it ſhall be relanded, it ſhall be forfeited, or the value thereof, over and above the penalty of the bond given on exportation. *f.* 20, 21, 22.

And no glaſs ſhall be imported into *Ireland*, other than the manufacture of *Great Britain*; on pain of forfeiting the ſame, and the ſhip, and 10 *s.* a pound. *f.* 23.

The like penalty for exporting glaſs out of *Ireland*. *f.* 24.

Power of the juſtices.

11. The penalties to be recovered or mitigated as by the laws of exciſe, or in the courts at *Weſtmiſter*; and to be employed, half to the uſe of the king, and half to him that ſhall ſue. *f.* 39.

VI. Hops.

Duty on hops imported.

1. By the 9 *An. c.* 12. an additional duty of 3 *d.* a pound is laid on hops imported, over and above all other duties; which ſhall be under the management of the officers of the cuſtoms. *f.* 1, 2, 3, 4.

And if any foreign hops ſhall be landed before entry and duty paid, or without warrant for landing; the ſame ſhall be forfeited, and burnt in ten days after condemnation, and the ſhip alſo ſhall be forfeited, and the perſon concerned in importing, or aiding in putting them on ſhore, ſhall forfeit 5 *l.* a hundred weight. 7 *G.* 2. *c.* 19. *f.* 1.

Duty on hops grown in Great Britain.

2. And by the ſaid act of the 9 *An. c.* 12. there ſhall be paid a duty of 1 *d.* for every pound of hops grown in *Great Britain*, cured and made fit for uſe; the ſame to be paid by the owner, within ſix months after they ſhall be cured and put into bags; which duty ſhall be under the management of the commiſſioners and officers of exciſe. *f.* 1, 5.

Hop grounds to be entered.

3. In order whereunto, every perſon who ſhall plant or have growing any hops, for ſale or not for ſale, ſhall yearly on or before *Aug.* 1. give or ſend notice in writing under his hand, at the next office of exciſe, or to the officer of the diſtrict, of all the hop grounds in his poſſeſſion, and of the name of the pariſh, townſhip,

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It is a common mistake to suppose that the making of a contract is a mere exchange of words, and that the law of contract is a mere law of words. In fact, the law of contract is a law of substance, and the making of a contract is a process of substance.

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township, or place, and the name of the owner or occupier; on pain of 40 s. an acre. 9 An. c. 12. f. 6.

But such person shall not be obliged, for giving notice, to go further than the next market town. f. 7.

And the officer who shall receive the notice, shall in five days enter the same in a book to be kept at the office for that purpose; on pain of 40 s. f. 7.

4. Also no person shall use any oust, storehouse, or other place, or any kiln for curing or keeping of hops, unless notice thereof shall have been given, on pain of 50 l. 9 An. c. 12. f. 8. Places of curing and keeping to be entered.

And all hops shall in six weeks after gathering, be brought to be cured and bagged at such ousts or places notified, and no other; on pain of 5 s. a pound. f. 9.

5. The officer shall at all times, by day or night, and if in the night in the presence of a constable, be permitted on his request to enter into the oust, storehouse, or other place, used by any person for growing, curing, or keeping of hops; and if the planter or owner shall obstruct him, he shall forfeit 20 l. 9 An. c. 12. f. 15. Officer to enter and survey.

6. The owners of hops, before they respectively begin to bag or weigh their hops, shall send notices in writing under their hands to the next excise office or officer, of the day and hour when they intend to begin either to bag or to weigh; which notice, as to such as shall be bagged or weighed the first week, shall be given in 24 hours before; and as to every other bagging or weighing, 48 hours; on pain of 50 l. 6 G. c. 21. f. 25. Notice of bagging and weighing.

7. And the excise officer shall attend at the bagging of every parcel of hops, and at the weighing thereof, and shall cause the weight (the tare of the bag being abated) to be marked on every bag; and shall cause an entry of the said weight to be made in his book; and shall make return thereof in writing to the commissioners or whom they shall appoint, leaving a true copy (if demanded) of such return under his hand with the planter or owner; and if he shall neglect or refuse to leave such copy (after demand in writing, 12 G. c. 28. f. 30.) he shall forfeit 5 l. 9 An. c. 12. f. 11. Officer to attend at the bagging and weighing.

And the allowance shall be made after the rate of ten pounds per centum, upon the weight of every bag, for the tare thereof. f. 13.

8. The owners shall keep at their ousts, storehouses, and places of keeping their hops, weights and scales; and permit the officer to use them; and shall not suffer any false weights to be used; on pain of 20 l. 6 G. c. 21. f. 26. Owner to keep scales and weights.

9. The owners may, if they think fit, put the hops into casks instead of bags; giving the like notice, and being subject to the same regulations, for casking as for bagging. 6 G. c. 21. f. 27, 28. Hops may be put into casks instead of bags.

And the officer shall cause the cask to be weighed, and the weight to be marked on the cask, and also the weight of the hops therein. f. 28.

10. No person shall take any hops of foreign growth out of the bags in which they are imported, and rebag the same in British. Deceit in bagging.

not bagging, in order to sell or export them as *British* hops: on pain of 10*l.* a hundred weight: And if any person shall endeavour to defraud the king of the duty, by using twice or oftner the same bag, with the officer's mark thereupon; he shall forfeit 40*l.* 9 *An. c. 12. f. 23.*

Removal before bagging.

11. No planter or owner shall (on pain of 50*l.*) remove from his out, storehouse, or other place, any hops, until they have been cured, bagged, and weighed, and the duties ascertained; unless where the officer, after notice, shall not attend the bagging and weighing. 9 *An. c. 12. f. 16.*

Concealing.

12. If any planter or owner shall conceal any hops, to avoid the duties; he shall forfeit 20*l.* and the hops concealed. 9 *An. c. 12. f. 17.*

Privately conveying.

13. And if any gatherer of hops, or other person, shall privately convey any hops from the place of growing, or where they shall be put in order to be cured, bagged, and weighed, with intent to defraud the king and the owner; he shall forfeit 5*s.* a pound. 9 *An. c. 12. f. 18.*

Payment of the duties.

14. The planter or owner shall in six months after the hops shall be cured, bagged, or weighed, pay off the duties; on pain of double duty. 9 *An. c. 12. f. 14.*

Adulterating hops.

15. If any person shall mix with hops any drug or ingredient to alter the colour or scent; he shall forfeit 5*l.* a hundred weight. 7 *G. 2. c. 19. f. 2.*

Using other things instead of hops.

16. No common brewer, innkeeper, or victualler shall use any broom, wormwood, or any other bitter ingredient, to serve instead of hops; on pain of 20*l.* (Except the infusing of broom or wormwood into beer or ale by the retailer, after it is brewed and tunned, to make it broom or wormwood ale or beer.) 9 *An. c. 12. f. 24.*

Exportation.

17. Hops which have paid the duty, may be exported to *Ireland*. 9 *An. c. 12. f. 21.*

But there shall be no drawback of the duties. 6 *G. c. 11. f. 40.*

And no foreign hops, other than of *British* growth, shall be landed in *Ireland*. 7 *G. 2. c. 19. f. 2.*

Penalties how to be recovered.

18. The penalties aforesaid shall be recovered and mitigated as by the laws of excise, and distributed half to the king, and half to him that shall sue. 9 *An. c. 12. f. 26.* 24 *G. 2. c. 40. f. 33.*

Hops liable to distress for the duties and penalties.

19. And all hops in the custody of any planter or owner, or person in trust for him, shall be liable to the duties in arrear, and to the penalties; in the same manner as if the debtor or offender were the lawful owner. 9 *An. c. 12. f. 19.*

Cutting hop binds.

20. If any person shall unlawfully and maliciously cut any hop binds growing on poles, in any plantation of hops; he shall be guilty of felony without benefit of clergy. 6 *G. 2. c. 37. f. 5. 6.*

Which offence is treated of more at large in the title *Black act*.

VII. Leather.

1. By the 4 *W. c. 5.* and 9 *An. c. 11.* and 10 *An. c. 26.* Duty on leather certain additional duties are laid on all hides, skins, vellum, and imported parchment imported, over and above what they are charged in the book of rates: which shall be under the management of the commissioners of the customs.

And after the duty shall be paid on importation, the officers of the customs shall cause every hide or skin to be marked, to denote the payment of the duty. 9 *An. c. 11. f. 6.*

2. And by the said acts of 9 *An. c. 11.* and 10 *An. c. 26.* Duty on leather certain duties are imposed on hides and skins, tanned, tawed, or dressed in Great Britain; and on vellum and parchment made in Great Britain. as follows:

On all tanned hides 1 *d.* $\frac{1}{2}$ a pound.

Calf, kips, hogs, and dog skins tanned 1 *d.* $\frac{1}{2}$ a pound.

Goat skins tanned with shomack, or otherwise, to resemble *Spanish* leather, 4 *d.* a pound.

Sheep skins tanned for roans after the nature of *Spanish* leather, 2 *d.* a pound.

Sheep skins and lamb skins tanned for gloves and bazils 1 *d.* $\frac{1}{2}$ a pound.

Tanned skins not before charged 30 *l.* in the hundred, according to the real value.

All the above to be paid by the tanner.

Horse hides dressed in allom and salt or meal, or otherwise tawed, 1 *s.* 6 *d.* a hide.

Hides of steers, cows, and all other (except horse hides) dressed in allom and salt, or meal, or otherwise tawed, 3 *s.* a hide.

Calves skins and kips dressed in allom and salt or meal, or otherwise tawed, 1 *d.* $\frac{1}{2}$ a pound.

Slinks so dressed or tawed, with the hair on, 3 *s.* a dozen.

Slinks so dressed or tawed, without hair, 1 *s.* a dozen.

Dog skins so dressed or tawed, 1 *s.* a dozen.

Buck and doe skins (except what paid the duty on importation) dressed in allom and salt or meal, or otherwise tawed, 6 *d.* a pound.

Kid skins so dressed or tawed (except what paid the duty on importation) 1 *s.* a dozen.

Goat skins so dressed or tawed, 2 *s.* a dozen.

Beaver skins so tawed, 2 *s.* a dozen.

Sheep skins and lamb skins so dressed or tawed, 1 *d.* $\frac{1}{4}$ a pound, and no more, altho they may have been dipped or steeped in the tanner's wooze made of bark or shomack before such dressing (3 *G. c. 4. f. 13.*)

All other tawed skins not before charged, 30 *l.* for every 100 *l.* value.

To be paid by the tawers or makers.

For hides and skins dressed in oil, 6 *d.* a pound.

Deer, goat, and beavers skins, dressed in oil, 6 *d.* a pound.

Calves

Calves skins dressed in oil, 8 *d.* a pound.

Sheep and lamb skins dressed in oil, 3 *d.* a pound.

All skins dressed in oil, not before charged, 15 *l.* in the hundred, according to the real value.

To be paid by the oil leather dressers.

For all vellum made in *Great Britain*, 3 *s.* a dozen.

Parchment made in *Great Britain*, 1 *s.* 6 *d.* a dozen.

But such small pieces as have been commonly called pates and tails, and are tanned after they are cut off from the hides, shall not be charged with the duty by weight, but with the duty *ad valorem*; and the same need not to be marked as is hereafter directed. 9 *An. c. 11. f. 46.*

What it meant
by hides tanned,
dressed in oil,
and tawed.

3. By *tanned* hides or skins, or pieces thereof, are meant only such as are tanned in wooze made of the bark of trees or shomack; and by hides and skins *dressed in oil*, are meant such as are made into leather in oil, or with any materials whereof the chiefest ingredient shall be oil; and by *tawed* hides or skins, are meant such as are dressed or made into leather in allom and salt, or meal, or other ingredients properly used by the tawers of white leather. 9 *An. c. 11. f. 3.*

Who shall be
deemed tawers or
dressers.

4. Collar makers, glovers, bridle cutters, and others who dress skins or hides, or pieces thereof, in oil, allom and salt, or meal, or other ingredients, and who cut and make the same into wares, shall be accounted tawers or dressers. 9 *An. c. 11. f. 28.*

Duty *ad valorem*
how to be ascer-
tained.

5. The value of the said hides and skins which are to pay *ad valorem*, shall be as they are worth to be sold at the next market, without respect to the duty; and the collector shall receive the duties, on the oath of such tanner, tawer, or dresser. 9 *An. c. 11. f. 14.*

No leather to be
twice charged.

6. Any hide or skin which hath once paid the duty, shall not be charged under any other denomination. 9 *An. c. 11. f. 3.*

Officers for these
duties.

7. The commissioners of the treasury shall appoint commissioners of these duties; who shall have the same power as the commissioners of the excise. 9 *An. c. 11. f. 13, 38.*

Places of work-
ing to be entred.

8. Tanners, tawers, curriers, or dressers of hides or skins, and makers of vellum or parchment, shall give notice in writing to the officer, of their names and places of abode, and of their tan-houses, yards, workhouses, mills, or other places, where they intend to tan, taw, or dress hides or skins, or make vellum or parchment, before they use the same; on pain of 50 *l.* 9 *An. c. 11. f. 15.*

And if any person shall not make such entry, or shall use any private tan yard, workhouse, pit, fat, mill, or place, he shall forfeit 20 *l.* and the goods found in such private tan yard or place not entred, or the value thereof, shall also be forfeited. 9 *An. c. 11. f. 17.*

Officers to enter
and survey.

9. The officers at all seasonable times, in the day time, may enter into any tan yard, workhouse, warehouse, mill, or other place; and if the owner or occupier shall refuse him entrance, he shall forfeit 10 *l.* 9 *An. c. 11. f. 17.*

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10. The said tanners and others shall give notice to the officer, of their places for drying and keeping of hides or skins, vellum or parchment; and they shall give two days notice in writing to the officer, before they take the said goods out of the mill, wooze, liquor, oil, or other materials, in order to be dried; and they shall permit the officers to take an account; and shall in two days after the taking out of the wooze, mill, liquor, or other materials, and before the carrying away of the said goods from the place of drying, make entry with the officer of the number and quality, and verify the same on oath, to be administered by any justice of the peace, or collector or supervisor; and they shall not remove any of the said goods, from the place of drying, until the duty be first charged, entred, and marked. *9 An. c. 11. f. 16.*

Notice of removing to the place of drying.

And if any person shall not send such notice of taking the goods out of the wooze or other materials, or not make due entries, or remove any the said goods contrary to this act; he shall forfeit 20*l.* and also such goods unlawfully removed, or the value thereof shall be forfeited. *f. 17.*

11. And if any tanner or other such person shall conceal any hide or skin, vellum or parchment, or any part thereof; he shall forfeit 20*l.* and also the goods concealed, or the value thereof. *9 An. c. 11. f. 17.*

Concealing to avoid the duty.

12. Tanners, and other the said persons, shall keep scales and weights; and sworn officers shall be appointed, for the weighing and other matters to be performed at every such yard or dressing place. *9 An. c. 11. f. 18.*

Tanners to keep scales and weights.

And if he shall not keep just scales and weights, or shall not permit his hides or skins to be weighed, or neglect or refuse to bring the scales, or to assist at the weighing; he shall forfeit 50*l.* *f. 26.*

13. Tanners, and other the said persons, shall before any the said goods be removed from the place of dressing, drying, or keeping, give two days notice in writing to the officer (for giving of which notice he shall not be obliged to go further than the next market town); and shall permit the officer to weigh the goods chargeable by weight, and bring the scales, and assist in weighing; and shall permit the officer to take an account of the number and quality of the goods to be charged by tale; and shall ascertain the value of such goods as are to be charged *ad valorem*, by his oath to be taken before the said officer, or a justice of the peace. *9 An. c. 11. f. 19.*

Duty to be ascertained before removal.

14. And after the duties are ascertained by weight, tale, or value respectively, the officer shall enter the same in a book, and make return thereof to the commissioners or whom they shall appoint, leaving a true copy thereof under his hand, with such tanner or other person. *9 An. c. 11. f. 20.*

Charge by the officer.

15. Immediately after the duty shall be ascertained, and entry thereof made, the officer shall cause every hide or skin, and every marked piece of a hide or skin, and all vellum and parchment, to be marked. *9 An. c. 11. f. 21.*

Leather to be marked.

In what part to be marked.

16. And if such tanner or other person shall desire the mark to be made, on any particular part of the hide or skin; the officer shall mark it accordingly. 9 *An. c. 11. f. 22.*

Removing before marked.

17. And if any tanner, or other such person, shall remove from his yard or drying place any the said goods, before the duties shall be charged, and before they be marked; or if any buyer shall carry away the same before they be marked; he shall forfeit 50 *l.* and the said goods so unlawfully sold or removed, shall also be forfeited. 9 *An. c. 11. f. 26.*

Counterfeiting the stamp.

18. And if any person shall counterfeit the stamp, or knowingly sell any the said goods with a counterfeit stamp; he shall be guilty of felony without benefit of clergy. 9 *An. c. 11. f. 44.*

Leather stamped to be kept separate.

19. And to prevent frauds between the officers and tradesmen, all tanners, tawers, and dressers of hides, skins, vellum, and parchment, shall keep those which have not been stamped, from those which have, and also those which have been last stamped, from those which have been stamped before, for 24 hours within the bills, and for two days elsewhere; unless they shall have sooner been weighed and taken account of by the surveyor or supervisor: on pain of 10 *l.* 5 *G. c. 2. f. 10.*

Payment of the duties.

20. Persons within the bills of mortality shall pay off the duties in 14 days to the commissioners, and elsewhere in six weeks to the collectors, after the said goods shall be marked. 9 *An. c. 11. f. 23.*

But no person shall be obliged, for payment of the duties, to go farther than the next market town. *f. 24.*

And persons not paying as aforesaid shall forfeit double duty; and shall not deliver out any the said goods until the duty be paid, on pain of double value. *f. 25.*

Tanners to balance accounts with the officers.

21. Every tanner, and other such person, shall once in three months (if demanded) make an account with the officer, of the goods taken out of the wooze or other ingredients, and of his entries thereof, and balance the said account by the goods which have been charged, and those which are in his possession unmarked and uncharged; on pain of 50 *l.* 9 *An. c. 11. f. 27.*

Exportation.

22. On exportation of hides or skins, tanned, tawed, or dressed, and marked, and of boots, shoes, gloves, or other manufactures made of leather, chargeable for the duty by weight; a drawback shall be allowed of two thirds of the duty. 9 *An. c. 11. f. 39. 12 An. f. 2. c. 9. f. 65.*

Except that for tanned leather manufactured into boots, shoes, gloves, and other wares; a drawback of 1 *d.* $\frac{1}{2}$ for a pound weight, shall be allowed in lieu of the said two thirds of the duty. 12 *An. f. 2. c. 9. f. 64.*

Penalties how recoverable.

23. Any two justices residing near, may hear and determine offences; who shall on information or complaint in three months after seizure made, or offence committed, summon the party accused, and the witnesses, and on appearance or contempt of the party (on proof of notice given) shall examine witnesses on oath, and give judgment, and issue warrants for levying the pecuniary penalties.

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penalties by distress and sale (if not redeemed in six days). 9 An.

c. 11. f. 36.

24. And they may mitigate the penalties, the charges of the officers being always allowed over and above the mitigation; and so as the mitigation do not reduce the penalties to less than one fourth part, over and above the charges. 9 An. c. 11. f. 37. Mitigation.

25. Persons aggrieved may appeal to the next sessions, who may determine the same, and issue warrants for levying the penalties. Appeal. 9 An. c. 11. f. 36.

26. And no *certiorari* shall be allowed. 9 An. c. 11. f. 47. Certiorari.

VIII. Linen cloth, and silks.

1. By the 10 An. c. 19. and the 12 An. f. 1. c. 9. There shall be paid for all chequered and striped linens, and upon all linens printed, painted, stained, or dyed, after the manufacture, or in the thread or yarn, in any foreign parts, which shall be imported, and may lawfully be worn, over and above other duties, 30*l.* for every 100*l.* value; which shall be under the management of the commissioners of the customs. Duty on importation.

Except lawns, striped or chequered linens, being all white, and neckcloths striped at the end only, and also barras, or packing canvas, and buckrams. 12 An. f. 2. c. 9. f. 5. 12 An. f. 2. c. 19.

And after the duty is paid, the said printed linens imported shall be stamped by the officers of the customs. 10 An. c. 19. f. 68.

2. By the 10 An. c. 19. and the 12 An. f. 2. c. 9. Over and above the duties payable on importation of any of them, there shall be paid, for all *silks* printed, stained, or painted in *Great Britain* (silk handkerchiefs excepted) 12*d.* a yard in length, reckoning half a yard for the breadth. Home duties.

And for all *silk handkerchiefs* so printed, stained, or painted in *Great Britain*, 4*d.* a yard square.

And for all *callicoes* printed, stained, painted, or dyed in *Great Britain*, 6*d.* for every yard in length, reckoning one yard wide, or within one eighth thereof.

And for all *linen* stuffs printed, stained, painted, or dyed in *Great Britain*, 3*d.* a yard in length, reckoning yard wide.

Except such *callicoes*, linens, and *fustians* as shall be dyed throughout of one colour only, and stuffs made of woollen, or whereof the greatest part in value shall be woollen.

3. But it is to be observed, that such painted or stained *callicoes* cannot be of use for wearing apparel, and therefore the printing or staining of them must be chiefly in order for exportation; for by the 7 G. f. 1. c. 7. it is enacted, that no person shall use or wear in any apparel, any printed, painted, stained, or dyed *callico*; on pain of 5*l.* to the informer. on conviction on the oath of one witness before one justice; who shall, on information on oath in six days after the offence, summon the party, and upon his appearance or contempt examine the matter, and on proof by confession or oath of one witness determine the same, and on conviction cause the penalty to be levied by distress and sale, rendering

Observation as to callicoes.

the overplus (charges of distress and sale being first deducted): Provided that persons aggrieved may appeal to the next quarter sessions, giving six days notice. *f. 1.*

And if any person shall offer the same to sale, or any household furniture made up of, or mixed therewith, unless for exportation; he shall forfeit 20*l.* half to the informer, and half to the poor of the parish or place where the offence shall be committed, to be recovered in the courts at *Westminster*, with full costs, on prosecution in six months; and if he is a steward or other officer of a corporation, he shall also forfeit his office. *f. 2, 4.*

And no person shall use the same in any household furniture, on like pain of 20*l.* *f. 3.*

But this shall not extend to calicoes made up in household furniture before *Dec. 25. 1722.* *f. 6.*

Nor to calicoes dyed all blue. *f. 11.*

Nor to prohibit wearing, or using in household furniture, any stuff made of cotton, or mixed therewith, printed or painted; or any callico chequered or striped; or any callico stitched or flowered in foreign parts with any colour (muslins, neckcloths, and fustians excepted). *f. 10.*

Houses to be entered.

4. Every such printer, painter, stainer, or dyer, shall give notice in writing at the next office, of his name and place of abode, and where he intends to work; on pain of 30*l.* 10 *An. c. 19. f. 71.*

And by the 1 *G. 2. c. 36.* Where any person shall take upon him, to print, paint, stain, or dye any silks, linens, or stuffs at any other place than the place of his usual residence or exercise of his trade; he shall first make entry with the officer of the division, where he intends to do the same, and pay down the duties, on pain of 50*l.* and also the said goods shall be seized and forfeited. *f. 21.*

Officer to enter and take account.

5. The officers shall at all times by day or night, and if by night in presence of a constable, be permitted on request to enter such person's house, workhouse, drying place, warehouse, field, or other place used by him, and take an account, and shall make thereof a report in writing to the commissioners or to whom they shall appoint, leaving a copy if demanded, under his hand; and if he shall make default in leaving such copy (after demand in writing, 12 *G. c. 28. f. 30.*), he shall forfeit 40*s.* 10 *An. c. 19. f. 75.*

Obstructing the officer.

6. And none of the said persons shall obstruct the officer in execution of his duty; on pain of 20*l.* 10 *An. c. 19. f. 78.*

Entry of goods made.

7. Every such printer, and other person, shall once in six weeks make entry in writing at the next office, on oath before the collector or supervisor, of all such goods by them made, containing the kinds and quantity, and the names and places of abode of the owners (if they are not their own); on pain of 50*l.* 10 *An. c. 19. f. 72.*

But no person shall be obliged to go to make entry, further than the next market town. 10 *An. c. 19. f. 73.*

Officer may charge for goods missing.

8. If the officer shall miss any quantity of the said goods, whereof he had taken an account at his last survey, and shall not

on reasonable demand receive satisfaction what is become of the same; the officer may charge such person with the duties of the goods so missing, as if they were printed, painted, stained, or dyed. 10 An. c. 19. f. 77.

9. And if they shall conceal any the said goods, to avoid the duty; they shall forfeit 20*l*. And all the silks, callicoos, linens, and stuffs found in any private workhouse, or other place whereof no notice hath been given, or the value thereof, shall be forfeited. 10 An. c. 19. f. 82. Goods concealed.

10. They shall, within six weeks after entry, clear off the duties; on pain of forfeiting double: and if they shall deliver out any such goods, after default in payment of the duties, before the same shall be cleared off, they shall forfeit double value of the goods. 10 An. c. 19. f. 74. Payment of the duties.

11. And they shall not remove any the said goods, till the officer hath taken account thereof, and until each piece be stamped or marked; on pain of 20*l*. And the same so carried away without being marked, and found in the possession of any draper or other person for his use, for sale, may be seized, or the value thereof recovered. 10 An. c. 19. f. 79. Removing before stamped.

12. And they shall keep the goods which have not been surveyed, separate from the goods which have been surveyed; on pain of 5*l*. 10 An. c. 19. f. 81. Goods surveyed to be kept separate.

13. And on oath by any credible person, that he hath reason to suspect, that any the said goods are in the possession of any draper or other person dealing therein, or of any other to his use, for sale, unstamped; the commissioners within the bills, or any two justices elsewhere, may issue their warrants, requiring some officer of the said duties (with a constable) in the day time to search for the same, and to open doors, chests, trunks, and package, and to seize such goods, and bring them to the next office. 10 An. c. 19. f. 98. Search for goods unstamped.

14. And if any the said goods shall be found in any place, on land or water (except on shipboard for exportation) without being marked with a stamp or seal, denoting that the duties have been paid or charged; the same shall be forfeited, and may be seized by any officer of the customs or excise, and the person in whose custody they are found shall forfeit 50*l*. 5 G. c. 11. f. 15. Goods found unstamped may be seized.

15. And if any person shall counterfeit the stamp, he shall be guilty of felony without benefit of clergy. 10 An. c. 19. f. 97. Counterfeiting the stamps.

And if any person shall knowingly sell any the said goods with a counterfeit stamp, he shall forfeit 100*l*. and be set in the pillory in some publick place two hours. *id*.

16. The said goods having paid the duty, may be exported; and there shall be a drawback of the duties. 10 An. c. 19. f. 94, 95, 96. 12 An. f. 2. c. 9. f. 15. Exportation.

17. The penalties (except as is abovementioned in relation to the callicoos) may be sued for, levied, and mitigated as by the laws of justices, excise, or in the courts at *Westminster*; and shall be employed half to the use of the king, and half to him that shall discover, inform, or sue. 10 An. c. 19. f. 92. 24 G. 2. c. 40. f. 33. Power of the justices.

Utenfils liable.

18. And all the utenfils and instruments for printing, painting, staining, or dying such goods, in custody of any the said persons, or any other to his use, shall be liable to all arrears of the duty, and to all penalties concerning the same, in like manner as if such person were the lawful owner. 10 *An. c. 19. f. 83.*

IX. *Malt.*

No malt to be imported.

1. By the 12 *An. f. 1. c. 2.* No malt shall be imported, on pain of forfeiting the same, and the value thereof. *f. 26.*

And by the yearly acts, if it is brought in from *Scotland* by sea, it shall be entred at the port of landing, and pay the like duty as *English* malt, unless a certificate is produced that it hath paid the duty of 3 *d.* a bushel in *Scotland*, and then it shall only pay 3 *d.* more, to make it equal with the *English*; and if it is brought by land, it shall be carried thro' *Berwick* or *Carlisle*, and there pay in like manner; on pain of forfeiting the same or the value thereof; and if it is carried beyond *Berwick* or *Carlisle*, without entry or payment, the officers of excise may seize the same. 28 *G. 2. c. 2. f. 7.*

Duty on malt.

2. By the 12 *An. f. 1. c. 2.* (which is continued yearly) there shall be paid by the maker for all malt made in *England* (except it be made for exportation only, 12 *G. c. 4. f. 48.*) a duty of 6 *d.* a bushel. *f. 1.*

What shall be deemed a bushel.

3. And every round bushel with a plain bottom, 18 $\frac{1}{2}$ inches wide throughout, and eight inches deep, shall be deemed a legal *Winchester* bushel. 12 *An. f. 1. c. 2. f. 7.*

Officers for these duties.

4. The said duty shall be under the management of the commissioners and officers of excise 12 *An. f. 1. c. 2. f. 3.*

Places of making to be entred.

5. No person making malt (other than compounders) shall set up, alter, or use any cistern, uting fat, utensil, or other vessel, for the wetting or steeping barley or other corn, or any kiln, floor, room, or other place for making or keeping of malt, without first giving notice in writing at the next office of excise; or shall keep or use any private cistern or other vessel for the wetting his barley or corn, other than such as are known and made use of in his common malting house, on pain of 50 *l.* 12 *An. f. 1. c. 2. f. 36.*

Officer to enter and survey.

6. The officer shall in the day time be permitted, on request, to enter the house, malt house, and all other places belonging to or used by any maker of malt (*either for sale or not for sale*); and to gage all cisterns, uting fats, and other vessels used for wetting or steeping corn, and take account of the quantity; and shall thereof make return to the commissioners, or whom they shall appoint, leaving a copy with such maltster; and if any such maltster shall refuse to permit such officer, he shall forfeit 20 *l.* 12 *An. f. 1. c. 2. f. 4.*

Or if he shall refuse or neglect (after demand in writing, 12 *G. c. 28. f. 30.*) to leave a copy of the gage for the maker, at the time of taking the gage; he shall forfeit 40 *s.* *f. 31.*

And by another clause in the said act, the officer shall on request be permitted, by night or by day, but if in the night then in presence

Journal of the

The following is a list of the names of the persons who were present at the meeting of the Board of Directors of the Company, held on the 1st day of January, 1880.

Attest: _____

Secretary

sence of a constable, to enter the house, malt house, and other place belonging to or made use of by any maker of malt for sale, common brewer, innkeeper, victualler, distiller, or vinegar maker making malt, to gage and take an account of the corn wetting or wetted; and if such maker shall refuse to permit him, he shall forfeit 20*l.* *f.* 34.

7. And by a general clause in the 1 G. 3. c. 2. If any maker of malt for sale, shall obstruct any officer of excise, in the execution of any of the powers given him for securing the said duties, he shall forfeit 10*l.* *f.* 4.

8. The officers shall measure corn making into malt, by the gage only, and not by the bushel. 12 An. 11. c. 2. *f.* 17. Manner of gaging.

9. No person shall make any barley malt (except in June, July, and August) but that the same shall have in making thereof, that is, in the fat, floor, steeping, and drying three weeks at least; nor in June, July, and August, but that it shall have 17 days at the least (unless it be for his own house): on pain of forfeiting for every quarter 2*s.* half to the king, and half to him that shall sue: And the justices in sessions, and the steward in the leet, may hear and determine the same, as well by presentment of 12 men, as by accusation or information of two honest witnesses. 2 & 3 Ed. 6. Time for making.

c. 10. *f.* 2, 3, 4, 5.

10. If any person shall put to sale any malt not well trodden, rubbed, and fanned, whereby there may be conveniently fanned out of one quarter, half a peck of dust or more; he shall forfeit for every quarter 20*d.* half to the king, and half to him that shall sue in like manner in the sessions or leet. 2 & 3 Ed. 6. Dressing of malt.

c. 10. *f.* 3, 4.

11. No person (except it be for his own house) shall mingle any malt, not well made, or made of mow-burnt, or spired barley, with other good malt, and after put the same to sale; on pain to forfeit for every quarter 2*s.* half to the king, and half to him that shall sue in like manner in the sessions or leet. 2 & 3 Ed. 6. Mixing bad malt with good.

c. 10. *f.* 3, 4, 5.

And the bailiffs and constables of the town where malt shall be made, or put to sale, may search the same: and if they shall find it to be evil made, or mingled with evil malt, they shall with the advice of one justice cause it to be sold to such persons, and at such reasonable prices, and under the common price of the market, as to him shall seem necessary and expedient. *f.* 4.

12. If any maltster (other than compounders) shall force together in the cistern, using fat, or couch, any corn steeped, in order to the making into malt; he shall forfeit 2*s.* a bushel. Pressing malt in the cistern.

12 An. 11. c. 2. *f.* 18. 6 G. c. 21. *f.* 8.

13. No maker of malt (other than compounders) shall mix corn of one wetting with corn of a former wetting; or mix any of his couches or floors, with corn of a former wetting, before the same is put on the kiln for drying: on pain of 5*s.* a bushel. 2 G. 2. Mixing with corn of a former wetting.

c. 1. *f.* 11.

14. If any dealer in malt shall, with malt, fraudulently mix any unmalted corn, or sell or expose to sale any such mixture, or shall Mixing malt with unmalted corn.

Concealing malt
to avoid the
duty.

Allowance for
malt swelling.

Entry of malt
made.

Payment of the
duty.

Drawback of the
duty for malt
damaged.

Drawback for
malt perished.

Compounding.

shall attempt to ship off any such mixture in order to export the same; he shall forfeit 5*s.* a bushel. 1 *G. st. 2. c. 2. f. 13.*

15. If any maker of malt shall fraudulently conceal any malt from the view of the gager; he shall forfeit 10*s.* a bushel. 12 *An. st. 1. c. 2. f. 35.*

16. Out of every 20 bushels charged by the gager, there shall be an allowance made of malt charged in the uting-fat, cistern, or other vessel, wherein the same shall be found wetting or steeping, or on the floor within 30 hours after the same shall be thrown out of such vessel, — of four bushels, for the difference between the quantity when it is wet and swollen, and when it is converted into dry malt. 12 *An. st. 1. c. 2. f. 20.*

And if any corn that hath been steeped be found working or growing upon the floor before it is put upon the kiln, which when dried will not answer so great a quantity from the floor as from the cistern; out of every 20 bushels so charged upon the floor, there shall be allowed to the maker of the malt which shall be gaged upon the floor, after it hath been thrown out of the cistern 30 hours or more, and before it shall be dried, ten bushels, for the difference between the quantity when it is making upon the floor, and when it is dried. 12 *An. st. 1. c. 2. f. 28.*

17. The maltster shall monthly make entry at the office of excise, of all the malt made (either for sale or not for sale) in such month; on pain of 10*l.* 12 *An. st. 1. c. 2. f. 4.*

18. And he shall, within four months after entry, pay off the duties, on pain of forfeiting double; and after such default, he shall not sell or carry out any malt until the duty is paid, on pain of double value. 12 *An. st. 1. c. 2. f. 6.* 1 *G. st. 2. c. 2. f. 8.*

19. After the duty is paid, if any quantity shall be damaged by the sinking of the vessel in which the malt shall be transported from one part of the kingdom to another; the justices shall at the next sessions, on proof of such damage and of the payment of the duty, settle the quantity of the damage, and the allowance to be made in respect thereof, and give a certificate of the sum allowed, which shall bear the same proportion to the whole duty, as the damage shall bear to the value of the malt: on producing of which certificate, the officer shall repay or allow to the proprietor the sum certified. 12 *An. st. 1. c. 2. f. 14.*

But where such loss shall happen, the person who shall sustain the same, shall three days before the next sessions, leave notice thereof in writing with the collector of the district where the loss shall happen, and of his intention of applying to the said sessions. *f. 15.*

20. After the duty is paid, if any malt shall be destroyed by fire, by burning of the place where it is kept; or perish by water, by casting away of the vessel in which it is transported: the owner may make proof thereof by two witnesses on oath, and of his having paid the duty, at the next quarter sessions where such accident shall happen; who shall grant a certificate of such loss, on producing of which, the duty shall be repaid. 12 *An. st. 1. c. 2. f. 27.*

21. The commissioners, or such persons as they shall appoint, and in default of such appointment the collector and supervisor for

1945

1. The first part of the document is a list of names and their corresponding addresses. The names are: John Doe, Jane Smith, and Bob Johnson. The addresses are: 123 Main St, 456 Elm St, and 789 Oak St.

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10. The Commission has also received information from the Government of the Republic of the Philippines that the military forces of the Philippines have been involved in the commission of human rights violations in the Philippines, including the killing of civilians, the use of force against peaceful protesters, and the use of force against the press.

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for the division, may compound for the duties of malt made to be consumed in private families, at 5*s.* a head by the year; and the houses of such persons compounding shall not be liable to the duty, or to the survey of the officers. 12 *An. fl.* 1. c. 2. *f.* 11.

But if any such person shall sell or deliver out any malt, or shall permit any other person to make malt in his house, or shall sell any malt liquor, or shall have more persons in his family than he compounds for, without giving notice of them to the officer of excise at the next quarter day; he shall forfeit 5*l.* and lose the benefit of his composition, and for every bushel of malt so fraudulently sold or made, he shall forfeit 20*s.* *f.* 12.

22. No malt entred and made for exportation only, shall be liable to the duties; and no drawback shall be allowed for any malt exported. 12 *G. c.* 4. *f.* 48. Exportation.

But the maker shall be allowed, in consideration of his extraordinary charge and trouble, 3*d.* for every quarter made for exportation. *f.* 59.

And by the 28 *G. 2. c.* 2. There shall be allowed for every 20 quarters of grain made into malt for exportation, thirty quarters of malt, and no more, on exportation, tho' by steeping it shall run out into any greater quantity. *f.* 10.

And the maker, before he shall begin to wet or steep any steeping of corn to be made into malt for exportation, shall leave notice in writing with the officer, of the quantity of corn intended to be contained in each steeping, on pain of 50*l.* and the same shall be kept separate from all other corn to be made into malt for home consumption, on pain of 5*s.* a bushel. 12 *G. c.* 4. *f.* 49, 58.

And no maker of malt shall begin to wet corn to make into malt for exportation, above six days before all the corn he may have working on his floors for home consumption shall be dried off; nor shall he begin to wet corn for home consumption, above six days before all the corn on his floors for exportation be dried and locked up, on pain of 5*s.* a bushel. *f.* 50.

And the maker shall keep the whole quantity of his corn making into malt for exportation, of one steeping or wetting, when the same shall be on the kiln, or after it shall be taken off the kiln, separate from any former steeping or wetting, until it hath been measured in presence of the officer; on pain of 50*l.* 3 *G. 2. c.* 7. *f.* 16.

And the officers, during the steeping of the corn so intended for exportation, and till it be dried and locked up, may gage and take an account thereof, in all its operations, as in case the duties were to be charged thereon. 12 *G. c.* 4. *f.* 52.

And persons opposing the officers in the execution of this act, shall forfeit 50*l.* 12 *G. c.* 4. *f.* 58.

And the said maker shall give notice in writing to the officer, or leave notice at the next excise office, of the hour when he intends to take any malt off the kiln, that he may attend the measuring; and after it has been measured, it shall (on pain of 50*l.*) be immediately carried on shipboard, or else into storehouses, to be provided by such maker, to be there kept apart from all other

malt, under two locks, one to be provided by the proprietor, and the other by the officer at the expence of the proprietor, whereof one key to be kept by the proprietor, and the other by the officer, till the same be delivered out for exportation. 12 G. c. 4. *f.* 51, 58. 3 G. 2. c. 7. *f.* 17.

And if he, or any person with his privity, shall open such lock, or make other entrance into the place, or carry any of it away, without consent of the officer, or notice given to him; he shall forfeit 100*l.* 3 G. 2. c. 7. *f.* 18.

And when any maker or proprietor shall be desirous to take away any of the malt for exportation, and shall thereof give notice in writing to the officer 40 hours before the time he shall desire to take out the same, expressing in such notice the quantity of the malt, and the port to which it is to be removed; the officer shall attend at the place where the malt is locked up, and see it measured and delivered out. 12 G. c. 4. *f.* 53.

And the officer shall keep an account of the malt so delivered out, and of the person to whom it belongs, and shall give such person a certificate to the officer of the division to which it is intended to be removed, who shall file the same, and make an entry thereof; and if the proprietor shall neglect to deliver such certificate, he shall forfeit 50*l.* 12 G. c. 4. *f.* 54.

And persons intending to ship malt for exportation, shall give at least 48 hours notice before they begin to put it on board, to the officer of the port in writing, of the hour when such shipping is intended to be begun, and the name of the ship; on pain of 5*s.* a bushel. 12 G. c. 4. *f.* 57.

And during the shipping, at all such times as the proprietor shall not be actually shipping merchandizes, the hatches of the ships shall be kept locked with two locks at each hatch, one to be provided and the key kept by the proprietor, and the other by the officer; and the hatches shall be so kept locked, from the time the ships shall be loaded till they be ready to sail. 12 G. c. 4. *f.* 56.

And persons breaking open the hatches of any ship so locked up, shall forfeit 50*l.* 12 G. c. 4. *f.* 58.

And the officers may not only attend the measuring of such malt, but continue on board the ships till they be cleared of their ports. 12 G. c. 4. *f.* 55.

And if it shall be reloaded after shipping for exportation, besides the penalty of the bond which shall be given for its exportation, the same shall be forfeited, and treble the value. 28 G. 2. c. 2. *f.* 12.

And the maker who shall use any such storehouse for keeping of malt for exportation, shall every nine months after the last clearing, clear out the same, on pain of 50*l.* 3 G. 2. c. 7. *f.* 20. Or 5*s.* a bushel: 12 G. c. 4. *f.* 57. And by the 28 G. 2. c. 2. he shall clear out in 15 months, on pain of 50*l.* *f.* 16, 27.

And if any unmalted oats or barley be found mixed among malt shipped for exportation, the person shipping the same shall forfeit 5*s.* a bushel. 6 G. c. 21. *f.* 4.

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

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And if ground malt shall be exported, it shall be computed at so many bushels as it contained before it was ground. 12 An. *ft.* 1. *c.* 2. *f.* 30.

23. The penalties relating to this article (except where it is Power of the otherwise above directed) shall be sued for, levied, and mitigated justices. as by the laws of excise, or in the courts at *Westminster*; and be employed half to the use of the king, and half to him that shall sue. 12 An. *ft.* 1. *c.* 2. *f.* 9. 24 G. 2. *c.* 40. *f.* 33.

24. Persons aggrieved by any judgment of the justices, may Appeal. appeal to the next quarter sessions, giving six days notice in writing; but if there be not six days between the order of the justices and the sessions, the appeal may be at the second sessions. 12 An. *ft.* 1. *c.* 2. *f.* 37, 38. 1 G. 2. *ft.* 2. *c.* 16. *f.* 3.

And the sessions may award costs to either party, to be levied by warrant of the justices or two of them, on the goods of the party. 12 An. *ft.* 1. *c.* 2. *f.* 38.

25. And no *certiorari* shall be allowed, to set aside any order *Certiorari*. of the justices. 12 An. *ft.* 1. *c.* 2. *f.* 37.

26. And all malt in custody of the maker, shall be liable to Malt liable to the duties and penalties, in the same manner as if he were the lawful owner. 12 An. *ft.* 1. *c.* 2. *f.* 10. the duties and penalties.

Note; The Statute of the 12 An. *ft.* 1. *c.* 2. which is the foundation of all the annual acts relating to the duties on malt, is omitted in its proper place in Mr. *Hawkins's* edition of the statutes; as are also divers other clauses, which are here inserted out of several of the other yearly malt acts: which seemeth to indicate that the learned editors had not thoroughly considered this article; supposing perhaps, that as the duties do expire annually, so every clause in the said acts relating thereunto did expire likewise: But they have rectified this omission in part, by inserting the said act of the 12 Ann. in the appendix, Vol. 6.

X. Paper.

1. By the 10 An. *c.* 19. and 12 An. *ft.* 2. *c.* 9. (which are Duty on paper in part altered and explained by the 12 An. *c.* 19. and 11 G. imported. *c.* 7.) certain duties are imposed on paper imported; which shall be under the management of the commissioners of the customs.

But old rags, old ropes, or junks, or old fishing nets may be imported duty free. 11 G. *c.* 7. *f.* 10.

2. And by the said acts of 10 An. *c.* 19. and 12 An. *ft.* 2. Duty on paper *c.* 9. certain duties are laid on all paper made, and also on all made in Great Britain. paper painted in *Great Britain*, as followeth:

| | <i>s.</i> | <i>d.</i> |
|--|-----------|-----------|
| For every ream (at 20 quires of 24 sheets each to the ream) of demy fine | 2 | 3 |
| Demy second | 1 | 6 |
| Crown fine | 1 | 6 |
| Crown second | 1 | 1½ |
| Fool's cap fine | 1 | 6 |
| Fool's cap second | 1 | 1½ |
| B b 4 | | Fine |

| | | | | | |
|----------------------|-------|-------|-------|---|---|
| Fine pots | _____ | _____ | _____ | 1 | 6 |
| Second pots | _____ | _____ | _____ | 0 | 9 |
| Brown large cap | _____ | _____ | _____ | 0 | 9 |
| Small ordinary brown | _____ | _____ | _____ | 0 | 6 |

Whited brown 9d. a bundle, each bundle containing 40 quires.

Pasteboards, mildboards, and scaleboards, 3 s. a hundred weight.

All other paper not particularly charged, after the rate of 18 l. for every 100 l. value.

Painted paper (beside the duty paid for the paper before painting) 1 ½ d. a yard square.

But pasteboard made of paper that hath paid the duty, shall not be charged with further duty.

And books printed at Oxford or Cambridge, in Latin, Greek, Oriental, or northern languages, shall have a drawback of the duty on paper.

The said paper paying *ad valorem* shall be computed as it shall be worth to be sold at the next market town, by the oath of the maker or his chief workman, according to his knowledge and belief, to be taken before the collector or supervisor.

Officers of the duties on paper.

3. The commissioners of the treasury shall appoint commissioners of these duties; and they shall substitute inferior officers. 10 An. c. 19. s. 41.

Places of making to be entered.

4. The maker or painter shall give notice in writing at the next office, of his name and place of abode, and where he intends to make the same; on pain that if he makes any before such notice, he shall forfeit, 30 l. 10 An. c. 19. s. 43.

And no person shall use any place for drying the same, or making it fit for use, other than such common place whereof he hath given notice; on pain of 20 l. s. 44.

And all paper, materials, and utensils found in any private workhouse or other place, for which no entry hath been made or notice given, shall be forfeited. s. 44.

Officer to enter and take account.

5. The officer shall by day or night, and if in the night in presence of a constable, be permitted on request to enter into the house, mill, yard, drying house, warehouse, or other place, and take an account, and make report thereof to the commissioners or whom they shall appoint, and leave a copy (if demanded) of such report under his hand with the maker; and if he shall not leave such copy (after demand in writing, 12 G. c. 28. s. 30.) he shall forfeit 40 s. 10 An. c. 19. s. 48.

And he shall be permitted to take an account of the quantity of rags, cordage, and other materials, and of all paper in the possession of any painter or stainer, and of their proceedings in making, or in painting or staining it. 10 An. c. 19. s. 50.

Mark on paper before painting.

6. And before any paper shall be printed, painted, or stained, the officer shall be permitted to take account of the dimensions, and shall stamp or seal every sheet and piece, to denote that such account hath been taken; and if the officer shall miss any quantity whereof he had so taken an account, and shall not on reasonable demand receive satisfaction what is become of it, he may charge the duties for it. 1 G. 2. c. 36. s. 17.

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7. And if any person shall obstruct any officer, in the execution of his duty, he shall forfeit 20*l.* 10 *An. c. 19. f. 50.* Obstructing the officer.
8. No maker shall remove any paper of which no account hath been taken, without giving two days notice to the officer; on pain of 20*l.* 10 *An. c. 19. f. 51.* Removing before account taken.
- And no person shall remove any such painted paper, until the officer hath taken an account of the quantity thereof, and until every piece or parcel shall be marked or stamped; on pain of 20*l.* 1 *G. 2. c. 36. f. 18.*
9. And the maker or stainer concealing any paper or materials, shall forfeit 20*l.* 10 *An. c. 19. f. 53.* Concealing from the officer.
10. And the maker and stainer shall keep separate the paper which is unsurveyed, for 48 hours after making or staining, unless it shall be sooner surveyed by the officer; on pain of 50*l.* 10 *An. c. 19. f. 52.* Paper unsurveyed to be kept separate.
11. The maker or painter shall once in six weeks make entry on oath at the next office, of all paper made by him fit for use, with the kinds and quantities; on pain of 50*l.* 10 *An. c. 19. f. 45.* Entry of paper made.
- But no person shall be obliged to go to make entry, farther than the next market town. *f. 46.*
12. And the duty shall be cleared off in six weeks after entry, on pain of double duty; and after default in payment, no person shall sell or deliver any out, till the duty is cleared off, on pain of double value of such paper sold or delivered out. 10 *An. c. 19. f. 47.* Payment of the duty.
13. Paper that hath paid the duty may be exported, and the duties shall be drawn back. 10 *An. c. 19. f. 57, 58, 59.* Exportation.
- But there shall be no drawback allowed on foreign paper exported. 10 *G. 2. c. 27.*
14. All the excise laws shall be in force for managing these duties; and the penalties shall be sued for, levied, mitigated, and disposed of, as by the laws of excise. 10 *An. c. 19. f. 60, 61.* Power of the justices.
- 24 *G. 2. c. 40. f. 33.*
15. And all paper, materials, and utensils, in custody of the maker or stainer, or of any to his use, or in trust for him, shall be liable to all duties in arrear, and to all forfeitures relating to the said duties, in the same manner as if the offender or debtor were the lawful owner. 10 *An. c. 19. f. 55.* Paper and utensils liable to distress.

For the stamp duties on paper, see title **Stamps**.

XI. Plate.

1. By the 4 *W. c. 5.* and 6 *G. c. 11.* Additional duties are laid on plate imported, over and above what it is charged in the book of rates: which shall be under the management of the commissioners of the customs. Duty on plate imported.
2. By the 6 *G. c. 11.* For all silver plate made in Great Britain, a duty of 6*d.* an ounce shall be paid by the maker. *f. 4.* Duty on plate made in Great Britain.
- But manufactures of silver, under three penny weights (except handles, hafts, spoons, thimbles, buckles, clasps, or buttons) shall not be chargeable with the duty. 7 *G. 3. c. 20. f. 34.*

Officers for these duties.

3. And the commissioners of the treasury shall appoint commissioners for the management of these duties; who shall substitute inferior officers. 6 G. c. 11. f. 6.

Assayers.

4. Moreover, to prevent frauds in the true making of plate, it is enacted by the 12 & 13 W. c. 4. and 1 An. st. 1. c. 9. that (besides the city of London) York, Exeter, Bristol, Chester, Norwich, and Newcastle upon Tyne shall be appointed for the assaying and marking of plate.

And the goldsmiths, silversmiths, and plateworkers in the said places, shall be incorporated into a company, and chuse wardens yearly. 12 & 13 W. c. 4. f. 2.

And an assayer shall be elected by the company in each of the said places, who shall be sworn by the mayor. f. 4, 5.

Maker to be entered with the wardens of the company.

4. And every goldsmith, silversmith, and plateworker, within the said places, and elsewhere, shall before he takes upon him to exercise the said trade, enter his name, and mark, and place of abode, with the wardens of the company where an assayer is; and if he shall not make such entry, or shall strike any other mark but what is so entered, he shall forfeit double value, half to the king, and half to him that shall sue in any court of record in the county or place where the offence shall be committed. 12 & 13 W. c. 4. f. 7.

Places of working to be entered.

6. Also they shall give notice in writing at the next office for the duties abovementioned, of their names and places of abode, and where they intend to work; on pain of 20 l. 6 G. c. 11. f. 7.

And all plate, and other manufactures of silver, which shall be found in any private workhouse, and all private utensils for making the same, of which no notice hath been given, shall be forfeited, or the value thereof. 6 G. c. 11. f. 16.

Officers to enter and take account.

7. The officers for the said duties shall, in the day time, be permitted on request, to enter the workhouse, and take an account of the weight, and shall thereof make return in writing to the commissioners or whom they shall appoint, leaving a copy thereof (if demanded) with the maker; and if any officer shall refuse (after demand in writing, 12 G. c. 28. f. 30.) to leave such copy, he shall forfeit 40 s. 6 G. c. 11. f. 10.

Obstructing the officer.

8. And if any maker or worker shall obstruct any such officer, in the execution of his duty; he shall forfeit 20 l. 6 G. c. 11. f. 12.

Maker to keep scales and weights.

9. And the maker shall keep scales and weights at the place of working, and permit and assist the officer to make use thereof; on pain of 10 l. 6 G. c. 11. f. 11.

Removing before surveyed.

10. And no maker (on pain of 40 l.) shall remove any such plate by him made, of which no account shall have been taken by the officer, without giving him 24 hours notice. 6 G. c. 11. f. 13.

Concealing.

11. And if the maker shall conceal any plate, to avoid the duties; he shall forfeit 20 l. 6 G. c. 11. f. 15.

Plate not surveyed to be kept separate.

12. And the plate not surveyed shall be kept separate from that which shall have been surveyed, for 24 hours after making; unless

General (Plan)

A general plan of the proposed work, showing the scope and extent of the investigation, and the methods to be employed. The plan should be prepared before the work is commenced, and should be revised as the work progresses.

The plan should include the following items:

1. A statement of the purpose of the investigation.
2. A statement of the scope and extent of the investigation.
3. A statement of the methods to be employed.
4. A statement of the results to be expected.
5. A statement of the time and money required.
6. A statement of the personnel required.
7. A statement of the equipment required.
8. A statement of the location of the work.
9. A statement of the date of the work.
10. A statement of the name of the investigator.

The plan should be prepared in a clear and concise manner, and should be easy to understand. It should be prepared in a form which can be used as a guide for the work, and should be revised as the work progresses.

less it shall have been sooner surveyed by the officer ; on pain of 10*l.* 6*G. c. 11. f. 14.*

13. And the makers shall once a month make entry in writing upon oath, at the next office for the said duties, of all the silver plate by them wrought within such month, containing the weight and kinds, and how much was made in each week ; on pain of 100*l.* 6*G. c. 11. f. 8.* Entry of plate made.

14. And they shall clear off the duty in six weeks after such entry ; on pain of double duty. 6*G. c. 11. f. 9.* Payment of the duty.

15. And every goldsmith, silversmith, and plateworker, inhabiting where there is not an assayer, shall first fix his mark, and then send it to an assayer ; and if it be found by the assayer to be of the fineness of the standard, then he shall mark it, and have 6*d.* a pound for his trouble : And if any such person shall make any plate (less in fineness than the standard, or put any to sale (except what by reason of its smallness is not capable of the touch) before it shall be assayed and marked ; he shall forfeit the same, half to the king, and half to him that shall sue in any court of record in the county or place where the offence shall be committed. 12 *& 13 W. c. 4. f. 9.* Assaying.

16. And as to the fineness thereof by the standard, it is enacted by the 6*G. c. 11.* that plate may be made, either according to the old standard (of 11 ounces and 2 pennyweights fine silver in every pound troy) ; or according to the new standard (of 11 ounces and 10 pennyweights) : but differently marked. *f. 41.* Fineness by the standard.

17. That is to say, plate of 11 ounces and 2 pennyweights, shall be marked with the maker's mark, *viz.* the first letters of his christian and surname ; the mark of the goldsmith's company in *London*, *viz.* the leopard's head, lion passant, and a distinct variable mark to denote the year ; (or, with the mark of the worker or maker, and with the mark appointed to be used by the assayers at *York, Bristol, Chester, Norwich, or Newcastle upon Tyne* :)

And plate of 11 ounces and 10 pennyweights shall be marked with the maker's mark, *viz.* the first letters of his christian and surname ; and the mark of the said company, *viz.* a lion's head erased, the figure of a woman called *Britannia*, and the said mark or letter to denote the year ; (or, with the mark of the worker or maker, and the mark of one of the said cities or towns). 12*G. 2. c. 26. f. 5.*

18. And to prevent frauds in the duties abovementioned, the maker shall send with every parcel to the assay office, a note in writing, containing the day and year, his christian and surname, and place of his abode, the several kinds of such plate, and the number of each kind, and the weight ; which shall be entred in a book by the officer of the company, and afterwards filed ; and the same, or copies thereof, shall be delivered by the officer upon oath monthly into the excise office ; and the commissioners shall monthly, or oftner if they think fit, appoint inspectors to examine the books. 12*G. 2. c. 26. f. 9.* Account between the assay and excise offices.

Exportation.

19. So much wrought plate shall be exported yearly as shall be allowed by the commissioners of the customs, or three of them. 9 & 10 W. c. 28. f. 1.

And the duties shall be drawn back. 6 G. c. 11. f. 18.

But no drawback shall be allowed for plate above seven years old. 12 G. 2. c. 26. f. 10.

Power of the justices.

20. All the powers of the excise laws shall be in force for managing these duties; and the forfeitures (not otherwise herein directed) shall be sued for, levied, or mitigated as by any law of excise, or in the courts at *Westminster*, and be disposed half to the use of the king, and half to him who shall sue: 6 G. c. 11. f. 19, 20. 24 G. 2. c. 40. f. 33.

Utensils liable.

21. And all the plate, materials, and utensils in the custody of the maker, or of any person to his use, shall be liable to the duties in arrear, and to the penalties; and such proceedings may be had thereupon, as if such maker were the lawful owner. 6 G. c. 11. f. 17.

For other regulations concerning plate, not relating to these duties, the reader may consult the statutes at large mentioned under this head; and especially the 12 G. 2. c. 26.

XII. Salt.

Officers for the salt duties.

1. The duties upon salt shall be under the management of the commissioners of excise. 5 W. c. 7. f. 5.

Or particular commissioners may be appointed; in which case they shall have the same powers as commissioners of the excise. 1 An. st. 1. c. 21. f. 26.

And all collectors and other officers for ascertaining, collecting, or receiving the duty, shall be appointed under the hands and seals of the said commissioners. 5 W. c. 7. f. 5.

And no person shall act as chief commissioner until he shall before a baron of the exchequer take the oaths of allegiance, supremacy, and abjuration; and the oath following:

You shall swear to execute your office, truly and faithfully without favour or affection, and shall from time to time account make and deliver to such person and persons as his majesty shall appoint to receive the same; and shall take no fee or reward for the execution of the said office, from any other person than from his majesty, or those whom his majesty shall appoint on that behalf: So help you god. 5 W. c. 7. f. 14.

And no person shall be capable of any office relating to the said duties (other than that of chief commissioner), until he shall before two commissioners, or two justices of the peace where he shall be appointed officer, take the said oaths of allegiance, supremacy, and abjuration, and the said last mentioned oath *mutatis mutandis*. 5 W. c. 7. f. 15.

British salt imported.

2. By the 2 & 3 An. c. 14. No salt of the produce of *Great Britain*, or the *Isle of Man*, shall be imported or landed in *England*;

1941-1942

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original letter, and is signed by Abraham Lincoln.

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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1990

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And; on pain that the same shall be forfeited, and also the ship and tackle; and every person assisting therein shall forfeit 20 *l.* or be imprisoned six months. *f. 1.* (And by the 5 *G. c. 18. f. 23.* this is extended to salt shipped for exportation, and put on shore again, or taken out of the vessel.)

And the salt officers may at any time within two months, seize the salt, ship, and tackle; and if the owner shall not in 20 days claim the same, and give security to answer the value, they shall be sold. *f. 2.*

But this shall not extend to salt shipped to be carried coastwise by certificate. *f. 3.*

Also, where salt entred for exportation, shall be forced into any port by weather, enemies, or other necessity, the owner or master may within 20 days reland the salt, so as entry be made, and the drawback repaid. *f. 4.*

Also, where a ship shall come in from *Ireland*, or any other foreign part, having any salt on board, which was taken in only for provision of the ship; the master may land the same, so as entry be made in ten days, and the duty paid or secured as for foreign salt imported. *id. f. 6.* But if he shall not enter and pay, or secure the duty in ten days, and before it be landed, the same shall be forfeited; and the master, owner, or importer, shall forfeit double value. 5 *G. c. 18. f. 18.*

3. By the 5 *W. c. 7.* There shall be paid for every gallon of Foreign salt imported, 3 *d.* over and above other duties. *f. 3.* Foreign salt imported.

And by the 9 & 10 *W. c. 44.* an additional duty is laid, of 7 *d.* a gallon. *f. 3.* The same amounting in the whole to 6 *s.* 8 *d.* a bushel. 8 *G. c. 4.*

The gallon to be rated after 8 gallons to the bushel *Winchester* measure. 5 *W. c. 7. f. 18.*

And 84 *lb.* weight of foreign salt shall be deemed a bushel. 1 *An. f. 1. c. 21. f. 6.*

Which said duties shall be paid by the importer, on entry, and before landing; yet, on giving security to the collector, he shall have six months time for payment: But if he pay ready money, he shall have after the rate of 10 *l. per centum per annum* abated. 9 & 10 *W. c. 44. f. 6.*

And by the 5 *An. c. 29.* If the salt imported amounts in the whole to more than 40 bushels, a further time is allowed for payment of the duties: In order to which, the salt shall on landing be weighed, cellared, and locked up in the presence of a salt officer, under the custody of the merchant or importer (who is to be at the charge of the cellarage or storehouse); and the merchant or importer may in presence of a salt officer, and by warrant or permit under his hand and seal, have what quantity thereof his occasions may require, not under 40 bushels at a time; giving security for the duty of what quantity he receives, payable in six months: and if he shall pay ready money, he shall have after the rate of 10 *l. per cent. per annum* abated. *f. 1, 3.*

But if such foreign salt imported, shall not on landing be secured as aforesaid, it shall be liable to payment of duties, and to such penalties for not paying or securing the same, as if this act

had not been made; and no salt so cellared and locked up shall be removed without notice first given to the officer, and without a warrant or permit for conveying it; on pain of forfeiting such salt, and 10 s. a bushel, and also 20 l. to be recovered of the importer; and the carrier or person removing it, shall be also liable to the penalty of 10 s. a bushel, and 20 l. for every offence. *f. 2.*

And no foreign salt shall be imported in any ship or vessel of less burden than 40 tuns, and in bulk only (except for the necessary provisions of the ships); on pain of forfeiting the salt and double value thereof, to be recovered of the importer. 3 G. 2. c. 20. *f. 18.*

Landing salt before payment of the duty.

4. And if any salt be landed before entry made with the salt officer, or before the duty paid, or without a warrant for landing the same signed by the salt officer; it shall be forfeited, or the value, and also 10 s. a bushel. 9 & 10 W. c. 44. *f. 6.* And moreover, every person assisting therein, shall forfeit 100 l. 5 G. c. 18. *f. 24.*

Search on ship-board.

5. And any officer of the salt duties, or customs, may go on board any vessel, to search if there be any salt on board, and may seize the same if it be found in any other vessel than that wherein it was brought into port, unless it had been entered, or the duty paid; and all such salt shall be forfeited, or the value thereof, to be recovered of the master or owner of the vessel, who shall also be liable to all other penalties as if the same had been landed without entry or payment of duties: and every person obstructing such officer, shall forfeit 40 l. 5 G. c. 18. *f. 22.*

Ships hovering near the coast.

6. And where any vessel, laden with salt, shall be found hovering on the coasts, the officers of the customs or salt duties may go on board and compel them to come into port, and may continue on board, till the salt shall be unladen, or the ship depart on her voyage: And if the persons on board such ship, or any other vessel importing salt, shall neglect or refuse to enter, or to unlade such salt, for 20 days after it is come into port, or within that time to depart on their voyage, unless permitted by the chief officer of the customs to stay longer; in such case all the salt on board shall be forfeited, and double value thereof, to be recovered of the master or commander of the vessel. 1 An. st. 1. c. 21. *f. 7.*

Duty on home salt.

7. By the 5 W. c. 7. a duty is laid on home salt of $1\frac{1}{2}$ d. a gallon. *f. 3.*

Which by the 7 & 8 W. c. 31. is explained to extend to all salt made from rock salt, salt refined, or salt made from salt. *f. 43.*

And by the 9 & 10 W. c. 44. a further duty is imposed on all such salt, of $3\frac{1}{2}$ d. a gallon. *f. 5.* The same amounting in the whole to 3 s. 4 d. a bushel.

Note; By the 3 G. 2. c. 20. These duties were repealed, but were revived by the 5 G. 2. c. 6. for three years, and so from time to time continued, and at last by the 26 G. 2. c. 3. made perpetual.

And by the 9 An. c. 23. A further duty of 9 s. a ton, is laid on all rock salt exported to Ireland. *f. 44.*

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 Board of Education.

And rock salt shall be ascertained as to payment of the duties, at 65 pounds weight to the bushel. 1 An. ft. 1. c. 21. f. 9.

All other salt at 56 pounds to the bushel. 9 & 10 W. c. 44: f. 34.

8. Where any rock salt for which the duties shall have been paid or secured, shall be melted and refined; the person who shall refine it into white salt, shall have an abatement out of the duty of the said white salt, of so much as was charged on the said rock salt so melted and refined; so as the rock so refined were before the melting thereof weighed in presence of the officer; and so as oath be first made before a justice near adjoining, of the particular quantity of rock salt by such refiner employed in making the said white salt, and that he or any other person by his privity did not increase the said rock salt by mixing or other undue practice, and that no former allowance for the said rock salt had been made to his use; and so as due proof be made upon oath or otherwise, that the duties for the said rock salt so refined were paid or secured. 10 & 11 W. c. 22. f. 6.

Drawback on rock salt refined.

And no rock salt shall be refined or made into white salt in any place except within ten miles of the pit, or at such places as were used for refining rock salt before May 10, 1702. on pain of 40 s. a bushel. 1 An. ft. 1. c. 21. f. 10.

9. Every maker of salt, refiner of rock salt, and proprietor of any salt works or pits, who shall set up or use any salt work, salt pit, salt pan, storehouse, warehouse, or other place, for the making, laying, refining, or keeping of salt or rock salt, without giving notice thereof at the next salt office; shall forfeit 40 l. 1 An. ft. 1. c. 21. f. 1.

Entry of salt works and pits.

10. And if any salt maker, importer of salt, or refiner or proprietor of rock salt, shall on request or demand made, in the day time, or in the night in presence of a constable, refuse to permit the officer to enter and come into his works, warehouse, storehouse, or other place for making, laying, refining, or keeping of salt; he shall forfeit 40 l. 1 An. ft. 1. c. 21. f. 2.

Officer to enter and survey.

11. And, generally, if any person shall obstruct any officer in the execution of his office, or of the powers given him by any law relating to the salt duties; he shall forfeit 20 l. and for non-payment, and in default of distress, he may be committed to the house of correction, to be whipt and kept to hard labour for any time not exceeding one month. 1 An. ft. 1. c. 21. f. 4.

Obstructing the officer.

12. No salt shall be delivered from any salt works or pits, without notice first given to the officer; on pain of forfeiture of the salt so delivered, and of 20 l. by the owner of the works or pits. 5 W. c. 7. f. 19.

Removing salt without notice.

And by the 9 & 10 W. c. 44. No salt shall be delivered from any salt works or pits, without notice given to the officer; on pain of the owner forfeiting the same, and 10 s. a bushel. f. 26.

13. The collector shall provide at every salt work or pit, a sufficient beam, scales, and weights, or stilyard, and shall have liberty to fix the same, for weighing the salt that shall be delivered from thence; and one or more persons living near, shall be admitted and sworn to the true weighing of such salt, before one justice near

Scales and weights.

near adjoining, without fee; and he shall be paid by the collector or officer for the duties. 7 & 8 W. c. 31. f. 46.

Weighing.

14. Every owner of any rock pit, who shall take any rock salt out of such pit, shall before the removal thereof, cause the same to be weighed in the presence of the salt officer, who shall attend at all reasonable hours in the day time to see it weighed, and take an account and make return thereof in writing under his hand to the commissioners of excise, or whom they shall appoint, leaving a true copy under his hand with the proprietor: and if the proprietor refuse to weigh it in presence of the officer when taken out of the pit, or suffer any rock salt to be removed from the pit before it hath been weighed; he shall forfeit 20*l.* and double value. 10 & 11 W. c. 22. f. 3.

Entry of salt made.

15. All makers and proprietors of salt shall make entries with the salt officers of the quantity by them made and delivered, or imported; and shall have a warrant under the hand and seal of an officer, empowering them to carry away the same, before it shall be removed, which warrant the officer shall give on paying or securing the duties (in nine months, 5 An. c. 29. f. 5.): But if any person at the time of entry shall pay ready money, he shall have after the rate of ten *per centum per annum* allowed. 5 W. c. 7. f. 6.

Payment of the duties.

16. And the proprietor of rock pits shall clear off the duties of all rock salt, in two days after the charge made by the officer, or within the said two days give security to pay the same (in twelve months, 5 An. c. 29. f. 5.); on pain of double value of the duties: But if he shall pay within the two days, he shall be allowed after the rate of 10*l. per centum per annum*, for the said twelve months. 10 & 11 W. c. 22. f. 4, 5.

Discount on payment.

17. And persons giving security for payment of the duties, may at any time within 28 days after giving the same, pay the duty, and shall have a discount after 10*l. per centum per annum* for the remainder of the time. 1 An. st. 1. c. 21. f. 29.

How far rock salt may be removed, with the duty unpaid.

18. But the owners of rock salt, may remove it out of the pits, or warehouses adjoining or belonging to such pits, into their other warehouses or places for storing thereof, for convenience of selling or shipping, after entry made, and a warrant taken for the same from the next officer; and shall not be obliged to pay or secure the duty on such removal, 5 W. c. 7. f. 22.

Salt carried without a permit.

19. The officers may seize all salt carried before entry, without a permit, and the same shall be brought to the next office; and if it shall not be claimed by the owner or one deputed under his hand, in ten days, it shall be forfeited and sold the next general day of sale: And if it be claimed in ten days, and the claimer doth not make it appear by the oath of one witness that it had been duly entred, and a warrant obtained for removing it, it shall likewise be forfeited: And every person who shall carry or cause it to be carried before such entry and warrant, shall forfeit double the value. 5 W. c. 7. f. 7. And also 10*s.* a bushel. 9 & 10 W. c. 44. f. 12.

And by the 1 An. st. 1. c. 21. If any salt carrier, or other person, shall remove any salt from any salt works, or place thereunto belonging,

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belonging, without entry and payment of the duties or securing the same, or without a permit; the officers may not only seize the salt, but also apprehend the offender, and if he shall not on conviction pay the penalties, and no sufficient distress can be found, he may be committed to the house of correction to be whipt and kept to hard labour for any time not exceeding one month. *f. 4.*

And by the 2 & 3 *An. c. 14.* The carrier, who shall carry any salt without a permit, shall forfeit 20 *l.* *f. 8.*

20. And every person in whose possession any salt shall be found, near the salt works or sea coasts, which hath not been entered, and the duty paid or secured; shall if it be foreign salt, be liable to such penalties as if he had landed the same without entry or payment of duties; and if it be *English* salt, he shall be liable to such penalties, as if he had removed it from the salt works without entry or payment of duties, and without a permit; unless he shall make it appear, that he bought it of a maker, retailer, or importer of salt, and of whom. *1 An. st. 1. c. 21. f. 3.*

Salt found un-
entered.

21. The salt officer shall deliver *gratis* and without delay, so many several permits to each carrier of salt, as he shall demand for such several horse loads of salt as he shall load at one time, and at one salt work. *7 & 8 W. c. 31. f. 47.*

Several permits
to be delivered
with several
parcels.

22. The lord mayor and aldermen in *London*, and the justices of the peace in the country at their general sessions, may set and publish in writing the prices of salt, and alter the same as there shall be occasion: and persons refusing to sell at such price, or selling at a higher price, shall forfeit 5 *l.* half to the king, and half to the informer, by distress, by warrant of the lord mayor or any such justice; and in default of sufficient distress, to be imprisoned till paid. *7 & 8 W. c. 31. f. 92.*

Prices of salt.

23. By the 9 & 10 *W. c. 6.* No person dealing in salt, shall sell it otherwise than by weight, after the rate of 56 pounds to the bushel; on pain of 5 *l.* to the informer; to be determined by two justices residing near: And the party grieved may appeal to the next sessions. And the said justices shall on complaint summon the party accused, and on appearance or contempt examine the matter, and on proof by the oath of two witnesses, or confession, give judgment, and shall issue their warrant to levy the same by distress, and cause sale thereof to be made, if not redeemed in six days, rendering the overplus, and for want of sufficient distress, shall imprison the offender till satisfaction is made.

Salt to be sold
by weight.

And no person shall buy salt otherwise than by weight, and not by measure; on pain of 10 *s.* a bushel, and so proportionably. *1 An. st. 1. c. 21. f. 28.*

24. No retailer or shopkeeper shall ship any salt to be sent to any port within the kingdom, before he hath made it appear by oath or otherwise, before the commissioners or a salt officer, that the duty is paid or secured, or that it was bought of some other retailer or shopkeeper that hath paid the duty. *5 W. c. 7. f. 8.*

Carrying coast-
wise.

And all salt to be put on shipboard, shall be weighed at the place where taken on board; and none shall be carried on board before it is weighed, and a permit containing the quantity is obtained; on pain of forfeiture, and 10 *s.* a bushel. But if the officer shall

not attend to weigh it, or refuse to give a permit, it may be carried on board without incurring any penalty. 10 & 11 W. c. 22. f. 10, 11.

And where any salt shall be laid on shipboard, the officer of the customs where it shall be laden, shall in the cocquet (which cocquet shall be also signed by the salt officer) express the quantity: And if such ship shall come into any port, the officers of the customs or of the salt duties, may go on board and demand a sight of the cocquet, and if any such officer shall have just cause to suspect, that there is not so much salt on board as the quantity expressed in the cocquet, and shall make affidavit thereof, before the collector or customhouse officer of the port, or person executing either of their offices; he may weigh all the salt on board; and if there shall not be so much as the cocquet expresseth (making allowance for waste) the salt remaining shall be forfeited. 1 An. ft. 1. c. 21. f. 13.

And persons shipping salt to be carried coastwise, the duties for which have been paid or secured, shall have an allowance for waste after the rate of three bushels for every 40 bushels of white salt, and after the rate of a bushel and an half for every 40 bushels of rock salt; which allowance shall be made but once for the same salt, altho' it be carried from several ports coastwise. 5 An. c. 29. f. 4. 6 An. c. 12. f. 1.

And every commander of any vessel that shall carry salt from one port to another within the kingdom, shall (before he hath a warrant for landing it) deliver to the salt officers in the port of landing, a true particular of the quantity, signed by the salt and customhouse officers of the port from whence he came; and then the master, mate, or boatswain, shall make oath before some of the commissioners or their officers, that to his knowledge there hath not been laid on board any salt since he came from such port. And if the vessel be to deliver one part of the salt at one port, and another part at another port, then the officers for the salt and customs, where part of the salt shall be delivered, shall certify on the back of the warrant, or by certificate alone, under their hands and seals, how much of the salt hath been there landed; on pain of forfeiting double the value of the salt that shall be otherwise delivered. 5 W. c. 7. f. 9. And likewise 10 s. a bushel. 9 & 10 W. c. 44. f. 12.

And the officer at the unlading port may go on board the ship, and demand a sight of the permit, and weigh the salt upon unlading; and if it be more in weight than is contained in the permit, the surplussage shall be forfeited. And if the master of the ship shall refuse to shew the permit, the officer may seize and detain the salt till it be produced. And if he do not produce it in four days after seizure, the salt shall be forfeited. 10 & 11 W. c. 22. f. 12, 13.

On reshipping any salt from any boat, barge, or other vessel, and before any dispatches be granted for the salt so reshipped, the master, mate, or chief boatman, shall make oath before the salt officer, that all the salt taken in at the place of lading is reshipped on board such vessel, and that no salt hath been added to it or taken from it, to the best of his knowledge and belief; on pain

For the purpose of the present year, the following list of names is published, which are the names of the persons who have been elected to the office of Justice of the Peace for the year 1871.

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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of forfeiting double the value of the salt that shall be otherwise reshipped, and likewise 10*s.* a bushel. 5 *G. c.* 18. *f.* 25.

And where any subject hath shipped salt that hath paid duty, in order to be conveyed to some part of *England*, and any of it is lost at sea (or in any port, harbour, or river, 8 *G. c.* 4. *f.* 11.) by storm, or being thrown overboard for preserving mens lives or the vessel (or by sinking of the ship, or be taken by enemies, 9 & 10 *W. c.* 44. 2 & 3 *An. c.* 14.); in such case, the merchant or owner of the salt shall, on proof made by the oaths of two witnesses, whereof the master or mate shall be one, at the quarter sessions where he shall inhabit, of the loss of such salt, and that the same was not occasioned by any leakage of the ship, or any negligence or default of the master or mariners, receive from the said sessions a certificate that such proof was made before them; and on producing the certificate to the salt officer he shall let him buy the like quantity duty free. 2 & 3 *An. c.* 14. *f.* 18. Which certificate shall also vacate the security given for payment of the duties. 26 *G. 2. c.* 32. *f.* 6.

25. When any salt shall be entred to be put on board, and the duty paid or secured; the officer shall, on due notice, by himself, or deputy, between sun rising and setting, attend the weighing it out, without loss of time; on pain of 40*s.* 9 & 10 *W. c.* 6. *f.* 3. Exportation,

And the salt officers may go aboard all ships exporting salt, and continue, and take an account thereof; and if any person shall obstruct any such officer, he shall forfeit 20*l.* 1 *An. st.* 1. *c.* 21. *f.* 15.

And there shall be a drawback of the duties on salt exported. 5 *W. c.* 7. *f.* 11. 10 & 11 *W. c.* 22. *f.* 7. 5 *An. c.* 29. *f.* 16.

Moreover there shall be an allowance of 4 bushels for every 40 bushels of white salt, and of two for every 40 bushels of rock salt, exported to *Ireland*; for the waste in carriage. 5 *An. c.* 29. *f.* 14.

And if any salt, for which the duty hath been repaid on exportation, shall be landed again before the duty be again paid, and entry made, and other things performed, as in case of foreign salt imported; the offender shall forfeit double value, and 10*s.* a bushel, and the other penalties for foreign salt landed unentred. 9 & 10 *W. c.* 44. *f.* 27. 5 *W. c.* 7. *f.* 20.

And if any ship laden with salt exported, shall by stress of weather or otherwise be drove into any port, the salt officer may come on board, and continue till the ship shall unlade her cargo, or return to sea; on pain of 20*l.* to be recovered of the master who shall refuse the officer to come or continue on board. And if any part of the salt shall be put on shore, without entry or repayment of the duty; the said salt, and also the whole cargo of salt in the ship, shall be forfeited. 1 *An. st.* 1. *c.* 21. *f.* 12.

And where any salt, for which the duties shall have been paid or secured, shall be shipped in order to be exported, and the same shall perish by sinking of the ship in the port, before the exporter shall be intitled to a drawback; the exporter or proprietor shall on proof made at the next sessions, to be held next to the place where it shall so perish, of the loss of such salt, receive from the

said sessions a certificate, that such proof was made before them; and on producing the certificate to the collector of the salt duties, he shall let such person buy the like quantity duty free. 2 & 3 An. c. 14. s. 10.

And where any salt shall be shipped in order for exportation to *Ireland*, and it shall perish by sinking of the ship, or be taken by enemies; the exporter or proprietor shall on proof made at the quarter sessions for the place from whence it was exported, of the loss of such salt, receive from the said sessions a certificate, that such proof was made before them; and on producing the certificate to the officer of the place where the duty hath been paid or secured, the security shall be discharged, and the money repaid. 4 An. c. 12. s. 11. 9 An. c. 23. s. 46. Proof to be made in two years. 26 G. 2. c. 32. s. 7.

Salt: forc wring
of sh.

26. The curers of fish for exportation may import foreign salt, or take from the pit or work *British* salt (or rock salt refined, 8 G. c. 16. s. 6.) for curing fish for exportation, without duty, except the customs on importation; such foreign salt being landed, and such *British* salt being taken from the pits or works, and weighed, in the presence of an officer, and being lodged in a warehouse, under a lock both of the officer and proprietor; which shall remain there during the several intervals of the fishing season. 5 G. c. 18. s. 1.

And any person who shall imbezil any foreign salt after importation, and before cellaring, shall forfeit 20 s. a bushel; and any person who shall imbezil any *British* salt, after weighing at the pits or works, and before cellaring, shall forfeit 10 s. a bushel. 5 G. c. 18. s. 4.

The proprietor shall enter at the next office the quantity so by him lodged; and the officer shall keep an account of the quantity in his custody. 5 G. c. 18. s. 1.

And at the beginning of the fishing season, the proprietor or his agent shall make oath in writing before an officer at the next office, declaring the quantity so lodged, and that it is all intended for curing of fish for exportation only, and shall not by his consent be delivered but for the said purpose: after which oath so made and filed, the officer in whose custody the salt hath continued during the interval of the fishing season, shall deliver all the said salt into the sole custody of the proprietor. 5 G. c. 18. s. 1.

And in the case of herrings to be cured for exportation, it is enacted by the 8 G. c. 4. and 8 G. c. 16. that the proprietor of such salt delivered duty free, or his agent, shall instead of the said oath, make oath in writing at the next salt office, declaring the quantity of the foreign or *British* salt respectively lodged for curing of fish, and that it is intended for the curing of fish for exportation only, and shall not by his consent be delivered but for that purpose, except so much thereof as shall be used for curing such red or white herrings as shall be entered for home consumption, and charged with the duties by the said acts respectively chargeable thereupon.

And no foreign salt shall be delivered over from the joint custody of the officer and proprietor, into the sole custody of the proprietor or his agent; for curing fish for exportation; except he give security to the satisfaction of the chief officer of the salt duty in the port, that he will account for the foreign salt so by him received, or answer the penalties. 8 G. 2. c. 12. f. 3.

And for every bushel of salt so lodged, which shall be either carried away, or found wanting at the redelivering thereof into the sole custody of the proprietor, reasonable allowance for waste being first made; the proprietor shall forfeit 20 s. 5 G. c. 18. f. 3.

And at the end of every fishing season, the officer shall take an account of the quantity remaining in hand which shall be locked up as aforesaid: and the proprietor shall (within three months after the expiration of each year, 8 G. c. 4. f. 10.) deliver an account in writing into the office, containing the quantity of fish exported or entered for exportation, on which the salt hath been used; together with a certificate from the officer where it is shipped for exportation, verifying the account; which account shall be also affirmed by the oath of the proprietor or his agent, and remain in the office; and if any of the salt shall be delivered over to any other person, and used by him in curing of fish, that also shall be expressed in the account, and such person shall in like manner make another account of all the salt used by him: And if any such person shall neglect or refuse to deliver such account within the said time; he shall forfeit 40 l. 5 G. c. 18. f. 1.

And if the proprietor of such salt so delivered over, shall not make it appear by oath or otherwise to the proper officer, that such salt so delivered over was used for curing of fish; he shall be deemed guilty of imbezilling it, and forfeit 50 l. 11 G. c. 30. f. 41.

Also the said account shall express the quantity of red or white herrings entered for home consumption, on which such salt hath been used. 8 G. c. 4. f. 3. 8 G. c. 16. f. 3.

And for every bushel of salt, so taken out of the cellar or salt works, which shall not be so accounted for by such oath and certificate; or by certificate from the quarter sessions, that proof was there made, that such salt was put on board for curing fish at sea, and was there taken by enemies, or otherwise lost at sea; or shall not be returned into, or found remaining in the cellar or warehouse: the owner or other person standing accountable for the same, shall forfeit 20 s. And the proprietor or his agent selling, giving away, using, or delivering any such salt otherwise than for the purposes aforesaid; shall forfeit 20 s. a bushel: And every person buying or receiving the same, shall forfeit also 20 s. a bushel: And in default of payment in 14 days after conviction, and where no sufficient effects can be found to answer the same, he shall be sent to the house of correction, to be whipped and kept to hard labour, not exceeding three months. 5 G. c. 18. f. 2.

For every cask of pilchards or scads exported, containing 50 gallons, shall be paid by the salt officer an allowance of 7 s. for every hundred of codfish, ling, or hake (except dried ones called haberdines) of 14 inches long, from the bone in the fin to the

third joint in the tail, 5 s. for every barrel of wet codfish, ling, or hake, of 32 gallons, 2 s. for every hundred weight of haberdines 3 s. for every barrel of salmon of 42 gallons, 4 s. 6 d. for every barrel of white herrings 2 s. 8 d. for every barrel of full red herrings 1 s. 9 d. for every barrel of clean shotten red herrings 1 s. for every last of dried red sprats 1 s. And the officers shall cut off part of the tail of the codfish, ling, and hake; and mark the casks of the other fish; that it may be known that they have once had the allowance. 5 G. c. 18. f. 6.

And the maker or curer of red herrings, before he remove them (except for exportation) from the place of curing, shall make entry thereof at the next salt office, and pay 1 s. 8 d. a thousand. And if they be packed up in casks, the number shall be marked on the head; and a permit shall be given by the salt officer, expressing the number, and the mark and number of the casks, and for what place they are intended, and whether to be sent by land or water; on pain of forfeiting all the red herrings removed otherwise, and also 40 s. a thousand. 8 G. c. 4. f. 2. And as the duties on salt shall rise or fall, the 1 s. 8 d. a thousand shall rise and fall proportionably. f. 5.

And the maker or curer of white herrings, before he remove them (except for exportation) from the place of curing, shall make entry thereof at the next salt office, and pay 3 s. 4 d. a barrel; and the cask shall be marked on the head, shewing the contents: then a permit shall be given by the salt officer, expressing the quantity, and mark and number of the casks, and for what place they are intended, and whether to be sent by land or water; on pain of forfeiting all the white herrings removed otherwise, with the casks, and also 40 s. a cask. 8 G. c. 16. f. 2.

And the officers at all times in the day, or in the night in presence of a constable, may enter into the cellars and warehouses, and inspect the curing of the fish, and gage the salt, and mark the casks, and see them exported; and if any person shall obstruct them, he shall forfeit 20 l. 5 G. c. 18. f. 7.

No herrings, pilchards, scads, codfish, ling, hake, salmon, or dried red sprats, shall after they be put on board any boat or vessel, in order to be exported, be taken out thereof, otherwise than to put the fish into the ships in which they are to be exported, nor put on shore but in presence of a salt officer; on pain that the same shall be forfeited, and also the ship and tackle; and every person assisting therein, shall forfeit 20 l. or be imprisoned six months. 5 G. c. 18. f. 23. 2 & 3 An. c. 14. f. 13.

If the said fish shall not be exported, for want of an opportunity, while they are good and merchantable; the owner may cause them to be destroyed in the presence of an officer: and the officer's certificate that they were destroyed, shall be admitted to verify the account. 8 G. c. 4. f. 4.

No person shall cure or pack pilchards for sale, unless he be owner or part owner of a seyn or drift net, or have the consent of such owner in writing, and that on each cast or hogthead the word *seyn* or *drift* shall be burnt with an iron, together with the name

The following is a list of the names of the persons who have been
 named in the report of the committee on the subject of the
 investigation of the case of the late Mr. J. H. Smith, who
 was killed by the explosion of a dynamite mine at the
 place known as the "Black Mine" in the town of
 Smith, in the county of Smith, in the State of
 New York, on the 1st day of January, 1901.

name and surname of the owner, and the number of pilchards; on pain of double value. 1 *An. ft. 1. c. 21. f. 31.*

27. For every barrel of salted beef or pork exported for sale, Salt for curing there shall be allowed 5 s. a barrel; to be paid by the salt officer of beef and pork. in 30 days after demand, on a debenture to be prepared by the collector of the customs, and verified by the searcher as to the quantity, and that it is good and merchantable: and the oath of the exporter or agent shall be first taken before the principal officers of the port, that it was salted with salt for which the duties have been paid and not drawn back, and that it is really exported for sale, and that no part thereof was spent nor intended to be spent for the ship's use, and not intended to be relanded; and the salt officers, on exportation of beef or pork, may mark the barrel or vessel, that it may be known to have been exported. 5 *An. c. 29. f. 8.*

And if any such beef or pork shall be relanded, it shall be forfeited, and also 40 s. a barrel; to be recovered of the importer or proprietor. *f. 9.*

28. No person shall use any brine before it is boiled into salt, or any rock salt before it is refined into white salt, for pickling or curing of flesh or fish, or preserving any provisions; on pain of 40 s. for every gallon of brine, or pound of rock salt. 1 *An. ft. 1. c. 21. f. 5.* Using brine or rock salt instead of salt.

And every person who shall carry any brine from the salt pits (other than the known proprietors of pans for boiling it into white salt) shall likewise forfeit 40 s. a gallon. 5 *G. c. 18. f. 17.*

29. All penalties and forfeitures given by any act relating to the duties upon salt (except where it is herein otherwise directed) shall be employed half to the use of the king, and half to him who shall seize or inform; to be recovered in such manner, and with such power of mitigation, as any forfeiture may be by any law of excise; or in the courts at *Westminster*. And every such officer may seize all salt and other things, which by any law relating to the duties on salt are declared to be forfeited. 5 *G. c. 18. f. 26. 24 G. 2. c. 40. f. 33.* Power of the justices.

30. And if any person is aggrieved by any order of two justices relating to the duties upon salt, or to any forfeiture or offence concerning the same; he may appeal to the next quarter sessions. 10 & 11 *W. c. 22. f. 9.* Appeal.

31. But no dealer in salt shall act as a justice of the peace in any matter relating to the duties upon salt; and if there shall not be a sufficient number of justices in any corporation, not dealers in salt, the justices of the county shall have power to act therein. 1 *An. ft. 1. c. 21. f. 18.* Dealer in salt not to act as a justice.

XIII. Soap.

1. By the 10 *An. c. 19.* and 12 *An. ft. 2. c. 9.* There shall be paid for all soap imported (over and above former duties) 3 d. a pound; which shall be under the management of the commissioners of the customs. Duty on soap imported.

Duty on soap made in the kingdom.

Officers for the duties on soap.

Place of making to be entered.

Officer to enter and survey.

Notice of the time of working.

Reworking stale soap.

2. And by the said acts, there shall be paid for all soap made within the kingdom, *1d. $\frac{1}{2}$* a pound.

3. And the commissioners of the treasury shall appoint commissioners for the duty on soap made in the kingdom; who shall substitute inferior officers. *10 An. c. 19. f. 5.*

4. And no maker of soap shall set up, alter, or use any boiling house, workhouse, warehouse, storehouse, shop, room, or other place for the making or keeping of soap, or for the boiling or keeping any oil, tallow, pot-ash, lime, or other materials proper to be made into soap; or use any copper, kettle, furnace, fat, cistern, trough, or other vessel for the boiling or making of soap, without first giving notice thereof in writing, at the next office for the said duties; on pain of *50 l.* *10 An. c. 19. f. 6.*

And all soap, oil, tallow, and other materials, which shall be found in any private boiling house, workhouse, warehouse, or other place, and all private coppers, kettles, furnaces, troughs, and other vessels, for which no entry shall be made, or notice given, shall be forfeited, or the value thereof. *10 An. c. 19. f. 19.*

5. The officer shall at all times, by day or night, and if in the night then in presence of a constable, be permitted on request to enter the house, boiling house, warehouse, or other place, used by any maker of soap; and by gaging, weighing, or otherwise, take an account of the quantity, and thereof make return in writing to the commissioners or whom they shall appoint, leaving a true copy, if demanded, under his hand with the maker; and if he shall refuse or neglect to leave such copy (after demand in writing, *12 G. c. 28. f. 30.*) he shall forfeit *40 s.* *10 An. c. 19. f. 12.*

And if any maker shall obstruct the officer, he shall forfeit *20 l.* *f. 15.*

6. Every maker of soap, before he begin any making, if within the bills of mortality, shall give 12 hours, if elsewhere, 24 hours notice in writing to the officer, of the time and hour when he intends to begin; on pain of *50 l.* *11 G. c. 30. f. 33.*

And putting lees or lye into the copper or other utensil, shall be deemed a beginning such making, so as to subject him to the forfeiture. *f. 34.*

And if the making shall not begin in six hours after the time mentioned in the notice within the bills, and in 12 hours elsewhere; the notice shall be void. *f. 35.*

7. If any stale or rotten soap, or cuttings, be put into the copper or pan, in presence of an officer, to be refreshed or new made; the officer shall make allowance of the duty, and certify the same upon his report. *10 Ann. c. 19. f. 28.*

But if it shall be put into any making of soap, without giving to the officer 12 hours notice in writing within the bills, and 24 hours elsewhere; there shall be no allowance made for it. *11 G. c. 30. f. 37.*

And if any officer shall falsely pretend that he had such notice when he had not, and make and certify such allowance; he, and also the maker, shall forfeit *10 s.* for every pound so certified. *f. 38.*

8. And

8. And the maker shall keep scales and weights where he makes his soap, and permit and assist the officer to use them; on pain of 10*l.* 10 *An. c. 19. f. 13.* Scales and weights.

9. And the officer shall be permitted to take an account of the quantities of oil, tallow, pot-ashes, lime, and other materials proper to be made into soap, that shall be in the maker's possession; and if the officer shall miss any quantity of them, which he had taken account of the last time he was there, and shall not on reasonable demand receive satisfaction what is become of them, the officer may charge him with such quantity of soap, as such materials in his judgment would have made, not exceeding 14 gallons of such ingredients (besides the lees) for every barrel. 10 *an. c. 19. f. 14.* Officer to charge for materials missing.

10. And no maker shall (on pain of 20*l.*) remove any soap, of which no account hath been taken by the officer, from where it was made, without giving the officer within the bills 24 hours notice, and in other parts two days notice, of his intention to remove the same. 10 *An. c. 19. f. 16.* Removing soap unsurveyed.

11. And the makers shall keep all the soap by them made, and not surveyed, separate from that which hath been surveyed, for 24 hours after making, within the bills, or two days in any other place; unless it shall have been sooner surveyed; on pain of 5*l.* 10 *An. c. 19. f. 17.* Unsurveyed to be kept separate.

12. And if any maker shall conceal any soap or materials; he shall forfeit the same, and also 500*l.* 1 *G. 2. c. 36. f. 14, 15.* Concealing.

And by the 23 *G. 2. c. 21.* If any officer of the excise shall have cause to suspect, that any soap is fraudulently concealed, if it is within the bills, then on oath made by such officer before two commissioners, or if it is elsewhere, then upon oath before any justice of the peace, setting forth the ground of his suspicion, they or he may empower such officer by day or night by special warrant (but if in the night, then in presence of a constable) to enter into the places suspected, and seize and carry away the same, as forfeited, together with the package; and if any person shall obstruct such officer, he shall forfeit 100*l.* *f. 34.*

13. The maker within the bills shall monthly, and elsewhere every six weeks, make entry in writing at the next office, of all the soap by him made within the said month or six weeks, setting forth the weight, and what quantity was made at each boiling in the several weeks; on pain of 50*l.* Which entries shall be on the oath of the maker, or chief workman, according to the best of his knowledge and belief. The said entry and oath within the bills, to be at the general office, and elsewhere with the collector and supervisor. 10 *An. c. 19. f. 9.* Entry of soap made.

But no maker shall be obliged to send further to make entry, than to the next market town. *f. 10.*

14. And the measure of soap shall be this; Every barrel shall contain 256*lb.* *avordupois*; half barrel 128; firkin 64; half firkin 32; besides the weight or tare of the cask. And all soap (except hard cake soap, and ball soap, 10 *An. c. 26. f. 111.*) shall upon making thereof be put by the maker into such cask, and none other. 10 *An. c. 19. f. 8.* Measure of soap.

And

And all soft soap that shall be filled in any other cask less than barrels, half barrels, firkins, and half firkins, shall be forfeited, and also 5*l.* 12 *An. ft. 2. c. 9. f. 19.*

Payment of the duties.

15. The maker within the bills, shall within four weeks, and elsewhere within six weeks after entry, clear off the duties; on pain of double duty: And no maker, after such default in payment, shall sell or deliver out any soap, till he hath paid off his duty; on pain of double value. 10 *An. c. 19. f. 11.*

Drawback for soap used in the woollen manufacture.

16. Any person who shall use soap in making of cloths, or other manufactures of sheeps or lambs wool only, or manufactures, whereof the greatest part of the value of the materials shall be wool; or in finishing the said manufactures; or preparing the wool for the same; or in whitening of new linen in the piece, (or his chief workman) — may make proof in writing by affidavit, before the collector or supervisor, specifying the kinds and quantity of the manufactures, and the days between which, and the places where the same were made, prepared, or whitened, and the quantity and kind of soap consumed therein; and that no allowance for the duty on such soap hath been made: whereupon the collector shall repay the duty on such soap. 12 *An. ft. 2. c. 9. f. 16.*

And the said affidavit need not be stamped; and no fee shall be taken, except 4*d.* for writing the affidavit, on pain of treble damages to the party grieved, with full costs; to be recovered as the other penalties. *f. 17.*

And any person making false affidavit, shall forfeit treble value of the allowance; and for the second offence (on conviction in the courts at *Westminster*) shall suffer as for wilful perjury. *f. 18.*

Soap carried coastwise.

17. Cocquets granted for shipping soap, to be landed in any other part of the kingdom, shall express the quality, quantity, and weight, the mark of the package, and by whom made and sold, and where consigned; and if shipped without such cocquet, the same shall be forfeited, and seized, together with the package. 23 *G. 2. c. 21. f. 29.*

Importation and exportation.

18. No soap shall be imported, otherwise than in some package, containing at least 224 pounds of neat soap, and stowed openly in the hold; on pain of being seized and forfeited, together with the package, and the master of the vessel to forfeit 50*l.* 23 *G. 2. c. 21. f. 27.*

But on information brought against any such master, he may detain the wages of the mariners, till it be determined; and if it shall appear, that the soap was put on board by any mariner without the master's knowledge, the master may apply the wages of such mariner, in payment of the forfeiture. 26 *G. 2. c. 32. f. 8.*

And the officers of excise (in like manner as the officers of the customs) may go on board any vessel, and search for and seize all soap forfeited, together with the package; and they may likewise seize such as before entry and payment of duties, shall be found unshipping or unshipped. 23 *G. 2. c. 21. f. 28.*

Soap that hath paid the duty may be exported; and the duties shall be drawn back. 10 *An. c. 19. f. 22, 23, 24.* But no drawback

back shall be allowed on the exportation of any foreign soap imported. 23 G. 2. c. 21. f. 36.

The officers of excise or customs may seize any soap with the package, that shall be found in any vessel, cart, or other carriage; where they shall have good reason to believe that the same was made in some private workhouse, or clandestinely imported without payment of duty, or that the same has been exported and re-landed after repayment of the duty; and if the party in whose possession the same shall be found, shall not at the hearing of the information, make it appear that the duty hath been paid or secured, he shall forfeit 5*l.* for every 100 pounds weight; and also the goods and package shall be forfeited. 23 G. 2. c. 21. f. 31.

And if any person shall knowingly harbour or conceal any soap unlawfully imported, or re-landed after shipping for exportation upon debenture; he shall, whether he claims any property therein or not, forfeit 50*l.* for every hundred weight, together with the goods and package. 23 G. 2. c. 21. f. 32.

And where any such soap shall be seized as forfeited, and no person shall claim the same in 20 days, if it is within the limits of the chief office of excise in *London*, the officer who made the seizure may cause notice signed by the solicitor of excise, to be affixed at the *Royal Exchange*, of the time of proceeding to trial and condemnation of the same by the commissioners of excise; and if it is out of the said limits, then publick notice shall be given by proclamation at the next market town, on the market day next after the said 20 days, of the day and place where the justices will proceed to trial and condemnation thereof. And the judgment thereon shall not be liable to any appeal, or be removed by *certiorari*. 23 G. 2. c. 21. f. 33.

19. The excise laws shall be in force for managing these duties; Power of the and the penalties (except where it is herein otherwise directed) shall justices. be recovered and mitigated as by the laws of excise, or in the courts at *Westminster*; and distributed half to the king, and half to him that shall sue. 10 An. c. 19. f. 26. 11 G. c. 30. f. 39. 24 G. 2. c. 40. f. 33.

20. And where any soap shall be seized for non payment of du- Proof to lie on ties, or non-entry, and it shall be disputed whether such payment the claimer. or entry were made or not, the proof shall lie on the claimer, and not on the officer. 23 G. 2. c. 21. f. 35.

21. And if the party is not satisfied with any judgment of the Appeal. justices on the act of 23 G. 2. c. 21. abovementioned, he may appeal to the next quarter sessions (except in the case before mentioned, where no person shall claim the goods seized). f. 37.

22. And on information on the said act of the 23 G. 2. the mi- Mitigation. tigation shall not reduce the penalty to less than a fourth part, over and above the costs to be allowed. f. 38.

23. And all soap, materials, and utensils in the custody of the Utensils liable. maker, or of any in trust for him, shall be liable to the duties and penalties, as if the debtor or offender were the lawful owner. 10 An. c. 19. f. 20.

XIV. *Spirituous liquors.*

So far as running of brandy and other spirituous liquors falleth in with the running of other uncustomed goods: see the first part of this title, concerning the Customs in general.

Duty on importation,

1. By the severall acts an excise is laid on every gallon of spirituous liquors imported (over and above the customs) as follows; viz.

Single brandy, spirits, or *aqua vitæ*, 4 s. 8 d. Double brandy, spirits, or *aqua vitæ*, 8 s. 8 d.

Which shall be raised as the duties on other excisable liquors.

12 C. 2. c. 23. 12 C. 2. c. 24. 4 G. 5 W. c. 3. 6 W. c. 20. 4 An. c. 6. 6 G. 2. c. 17.

Rum, in the whole, 4 s. 1 d.

Arrack from the *British* colonies in the *East Indies*, the same as for brandy and foreign spirits imported.

Landing without duty paid.

2. And if any person shall land any *French* brandy before the duty be paid or secured, or without licence from the proper officer so to do; he, and every person aiding therein, or concealing the same when landed, shall not only forfeit the same, but also double value. 1 An. st. 2. c. 14.

And if any officer of the customs or excise shall connive thereat; he shall be incapable to hold any office in the revenue, and forfeit 500 l. s. 2.

Excise officers may go on board.

3. And the officers of excise may go on board any ship or vessel, and search in like manner as the officers of the customs may do, for any excisable liquors, and seize all such as shall be forfeited, and such as shall be unshipped before entry and payment of the duties, together with the casks and other package. 11 G. c. 30. s. 1.

Warrant to search.

4. And if any officer of the excise have cause to suspect, that any foreign spirits shall be fraudulently concealed in any place; entred or not entred, if it is within the bills of mortality, then on oath made before two commissioners, if elsewhere, before one justice, where he suspects them to be concealed, setting forth the ground of his suspicion; he or they may by special warrant authorize such officer by day or night, but if in the night in presence of a constable, to enter, seize, and carry away the same as forfeited, together with the casks or vessels: and if any person shall obstruct such officer, he shall forfeit 100 l. 11 G. c. 30. s. 2.

Who only may seize.

5. And by a general clause in the 8 G. c. 18. All brandy, arrack, rum, spirits, and strong waters, *British* or foreign, and all foreign excisable liquors forfeited, together with the casks or other package, may be seized by any officer of the customs or excise, or persons deputed by warrant from the lord treasurer, or under treasurer, or by special commission under the great or privy seal, and no other person. s. 24.

Obstructing the officer.

6. And if any person shall obstruct any officer of the customs or excise, in seizing or securing any of the said liquors, or endeavour

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your to rescue them after seizure; or shall after seizure slave, or otherwise damage any cask, or vessel; he shall forfeit 40 l. 8 G. c. 18. *f.* 25.

7. But no person shall be intitled to any reward given on such seizure, unless he give notice to the next officer of excise, or to the supervisor, in 48 hours; who shall, on such notice, take an account of the species and quantity; nor shall such goods be afterwards removed without a permit from such officer of excise, on pain of being resealed. 12 G. c. 28. *f.* 6.

Notice to be given of seizure.

8. If any brandy or spirits be imported in any vessel of the burden of 40 tons or under (except for the use of the seamen on board, not exceeding one gallon for each); such vessel with her tackle, and also the spirits, or the value thereof, shall be forfeited, and may be seized by any officer of the customs, and prosecuted in the courts at *Windsor*. 6 G. c. 21. *f.* 29. 8 G. c. 18. *f.* 1, 2.

In what ships to be imported.

9. And where any vessel of 50 tons or under, being in part or fully laden with brandy, shall be at anchor, or within two leagues from the shoar, and not proceeding on her voyage, wind and weather permitting; the commander of any man of war or armed sloop appointed for the guard of the coasts, or the commander of any sloop or vessel in the service of the customs, may compel the master to come into port; and the same shall be liable in all cases as ships hovering within the limits of any port. 6 G. c. 21. *f.* 31.

Ships hovering near the coast.

And if the master, purser, or other person having charge of the vessel, shall suffer any brandy (or other uncustomed goods) to be put out of the ship, into any hoy, lighter, boat, or bottom, to be laid on land; he shall, besides the other penalties, suffer six months imprisonment. 6 G. c. 21. *f.* 32.

And by the 9 G. 2. c. 35. Where any vessel coming from foreign parts, and having on board any foreign brandy or spirits, in casks under six gallons (except only for the use of the seamen, not exceeding two gallons each) shall be found at anchor, or hovering within two leagues of the shore, or be within the limits of any port, and not proceeding on her voyage, wind and weather permitting; all such spirits, with the casks and other package, or the value thereof, shall be forfeited (whether bulk shall have been broken or not); and the same may be seized, or the value thereof sued for by the officers. *f.* 22.

10. No brandy shall be imported in any vessel not containing 60 gallons at the least; on pain of forfeiting the same, or the value. 4 W. c. 5. *f.* 8.

In what casks to be imported.

11. All rum or spirits of the growth or manufacture of the *British* sugar colonies (imported directly from thence) on entry made, and before payment of the duty, may be landed and put into warehouses, provided at the charge of the proprietor or importer, and approved of by the commissioners; the proprietor or importer first giving bond for payment of the duty, if it be sold within six months; and if it be not sold in that time, then to pay the duty at the end of six months, according to the gage taken at the time of landing and lodging in the warehouse. 15 G. 2. c. 25. *f.* 1.

Rum to be warehoused on importation.

And if any rum or spirits be landed, before entry at the custom house and with the collector of excise, and the duties secured, or without warrant for landing, or without the presence of an excise officer; the same shall be forfeited, or the value thereof. *f. 3.*

And before it be landed and lodged in the warehouse, a mark shall be set upon every cask, mentioning the quantity, and the proprietor or importer; and the warehouse keeper and excise officer shall each keep a book, and enter the particulars carried in or out, and when, and for whose use delivered; and every six months, or oftner if required, transmit an account thereof in writing, and on oath, to the commissioners of excise, who shall in one month examine the same: and if any rum or spirits shall be delivered contrary to this act, the warehouse keeper or officer offending shall be disabled from holding any publick employment, and forfeit 100*l.* *f. 4.*

And the rum or spirits may be delivered out of the warehouse, on payment of the excise, and on producing to the warehouse keeper, and the excise officer attending the warehouse, a certificate of such payment; and the warehouse keeper shall give a permit therewith, signed by the excise officer, to prevent the seizing thereof. *f. 5.*

But no proprietor, importer, or buyer, shall receive out of the warehouse less than one vessel of 20 gallons, unless for the use of seamen in a voyage. *f. 6.*

And the proprietor or importer may fix a lock on the warehouse and keep the key; and the excise officer may put on another, and keep the key; and the proprietor or importer may in presence of the warehouse keeper, or excise officer, at all reasonable times, view, and take out as aforesaid. *f. 7.*

And if any rum or spirits remain in the warehouse above six months, without paying the duty, the commissioners of excise may sell them by auction, and pay themselves the duty and charges, rendering the overplus to the proprietor or importer. *f. 9.*

Duty on home
spirits.

12. For every gallon of spirits made of imported wine or cyder, shall be paid in the whole the sum of 1*s.* 3*d.*

For every gallon of strong waters or *aqua vitæ*, made of any other materials, 7*d.* $\frac{1}{2}$.

If from foreign or from home materials mixed with foreign; then a further duty of 6*d.*

If from brewers wash or tilts, 5*d.* $\frac{1}{2}$.

If from drink brewed of malted corn, 5*d.* $\frac{1}{2}$.

If from other *British* materials, or any mixture therewith 5*d.*

For every gallon of low wines or spirits of the first extraction, made from foreign materials, 1*s.* 7*d.*

From brewers wash or tilts, 1*s.* 4*d.*

From drink of malt, 5*d.*

From any other *English* materials, 7*d.*

But low wines or spirits of the first extraction drawn from melasses only, shall be liable only to 1*s.* a gallon; and all spirits from low wines, or spirits of the first extraction, drawn from melasses only, shall be chargeable with 6*d.* a gallon. 19*G.* 2. c. 12. *f. 37.*

Electric (Amusement) Machine

1. The object of this machine is to provide a means of amusement for the public, and to generate electricity for the purpose of lighting and power.

2. The machine consists of a motor, a generator, and a control system.

3. The motor is driven by a hand crank, and the generator produces electricity which is used to operate the control system.

4. The control system consists of a series of switches and relays, which are used to control the flow of electricity to the various parts of the machine.

5. The machine is designed to be simple and easy to operate, and to be safe for use by the public.

6. The machine is also designed to be durable and to require little maintenance.

7. The machine is suitable for use in public places, such as fairs, exhibitions, and schools.

8. The machine is also suitable for use in private homes, where it can be used for amusement and for generating electricity for other purposes.

9. The machine is a valuable addition to any collection of scientific apparatus, and it is a useful tool for teaching the principles of electricity.

10. The machine is a simple and effective means of generating electricity, and it is a valuable addition to any collection of scientific apparatus.

Note; All spirits drawn by any distiller from any mixture of spirits with any kind of wash or other liquor (except common water) shall be deemed low wines, and chargeable with the duties imposed on low wines drawn from foreign materials. 10 & 11 W.

c. 4. s. 9.

13. Any person who shall set up any work or office for that purpose, and thereof shall give notice to the commissioners of excise in ten days, may distill for sale, or to be retailed, any low wines or spirits from drink brewed from malted corn or cyder, and rectify and refine any such spirits of their own making only, paying duties and subject to the same regulations as other distillers. 8 & 9 W. c. 19. s. 13. Concerning distillers.

And by the 12 An. st. 2. c. 3. Any person may distill brandy or spirits made from *British* malt or cyder, altho' he hath not served seven years apprenticeship. s. 9.

And by the 9 G. 2. c. 23. Any person who hath exercised the business of distillation for seven years, or hath served, or on Mar. 25. 1736. was serving an apprenticeship in the same, may follow any other trade or business in any city, town, or place. s. 21.

14. No common distiller or maker of low wines, spirits, or strong waters, for sale or exportation, shall set up any tun, cask, washbath, copper, still, or other vessel, for making or keeping any worts, wash, low wines, spirits, or strong waters, nor alter or enlarge the same, nor have any of them private or concealed, or any private warehouse, storehouse, cellar, or other place for making or keeping any the said liquors, without first giving notice at the next office of excise; on pain of 20 l. and he in whose occupation any of the same shall be, shall forfeit 50 l. 8 & 9 W. c. 19. s. 10. Notice of houses and vessels.

And every person making or keeping any wash, cyder or other materials fit for distillation, and having in his possession any still or stills containing 20 gallons or upwards; shall be deemed a common distiller for sale. s. 11.

And if any officer of excise shall have cause to suspect any such private still, back, or other vessel, spirits, low wines, wash or other materials prepared for distillation, to be set up or kept in any place, and shall make affidavit before a justice of the peace, and therein declare the grounds of his suspicion; he may, in the day time, and in presence of a constable, by warrant from such justice to be directed to such officer, break open the door or any part of such suspected house or place, and enter, and seize the same, and detain them there; and if they shall not in 20 days be claimed by the owner, they shall be forfeited, and sold at the next general day of sale; and if they be claimed in 20 days, the person claiming shall forfeit for every warehouse or other place, in which any such still, back, or other vessel shall be found, and also for every such still, back, and other vessel found therein, 200 l. 10 & 11 W. c. 4. s. 7. And by the 10 & 11 W. c. 21. he shall incur this forfeiture, whether he shall make any such claim or not. s. 23.

But if on breaking open any such door or house, no such private back, still, or other vessel, spirits, low wines, wash, or other materials

materials for distillation, shall be found, the officer shall make good the house or place so broken up, or make satisfaction to the owner to be adjudged by the two next justices (1 Q.); or the party injured may bring his action for the damages; and the same shall be paid by the commissioners out of the revenue of excise; and if any person shall obstruct such officer, he shall forfeit 200 l. 10 s. 11 W. c. 4. s. 8.

Vessels to be
marked.

15. Every distiller shall ten days before he distills or makes any spirituous liquors, make entry at the next office of excise, of every still and other vessel which he shall make use of for brewing, distilling, working, making, laying, or keeping any worts, wash, low wines, spirits, or strong waters; and also of the vessels used for brewing or keeping of the after runnings or feints from the second extraction (which last mentioned vessels shall not at any one time exceed two in number), and also of all such new utensils as they shall make use for the purposes aforesaid, on pain of 50 l. for every such still or other vessel, used and not entred: And the distiller shall shew to the officer every still or other vessel entred, and the officer shall mark the same with a particular and durable mark; and every vessel used by such distiller without being so shewn or marked, shall be deemed a vessel or utensil of which no entry has been made; and if any person shall rub out or deface such mark, he shall forfeit 20 l. 24 G. 2. c. 40. s. 22.

Private cocks
and pipes.

16. No distiller shall have any private pipe or stop cock, or other conveyance, by which any wash or other liquors fit for distillation may be conveyed from one back or vessel to another, or from any such back or vessel to his still, or into any other place, nor shall have any hole in any back or washbatch, by which any wash or other liquor fit for distillation may be conveyed into or out of the same; on pain of 100 l. 10 s. 11 W. c. 4. s. 3.

And the excise officer in the day time, and in presence of a constable, on request made and cause declared, may break up the ground in any distilling house, or the ground near adjoining, or any wall, partition, or other place, to search; and on finding such pipe or other conveyance, may break up the ground, house, wall, partition, or other place, thro' or into which any such pipe or other conveyance shall lead, and may break up or cut any such pipe or other conveyance, and may turn any cock to try whether such pipe may convey any wash or other liquor. s. 4.

And if no such pipe or private conveyance be found, the officer shall make good the ground, wall, house, or other place, or make reasonable satisfaction to the owner, to be adjudged by the two next justices (1 Q.); or the party injured may bring his action for damages; the same to be paid by the commissioners out of the revenue of excise. And if any person obstruct such officer, he shall forfeit 100 l. s. 5.

But any distiller may use any pipe, stop cock, or other conveyance above ground, in open view, from one end to the other, for letting his wash out of the coolers into his backs or washbatches, and for conveying the wash or worts, out of the back or washbatch into the still. s. 6.

Geometrische Optik

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Die Geometrische Optik ist ein Teil der Optik, der sich mit der Ausbreitung von Lichtstrahlen beschäftigt. Sie basiert auf dem Prinzip der Fermat, wonach Lichtstrahlen den kürzesten Weg zwischen zwei Punkten nehmen. Dies führt zu den Gesetzen der Reflexion und Brechung.

Ein zentraler Begriff in der Geometrischen Optik ist das Bild. Ein Bild entsteht, wenn Lichtstrahlen von einem Gegenstand ausgehen und durch ein optisches System (z.B. ein Spiegel oder eine Linse) so gebrochen oder reflektiert werden, dass sie in einem Punkt konvergieren. Dieser Punkt ist das Bild des Gegenstands.

Die Abbildungseigenschaften eines optischen Systems werden durch die Brennweite f und die Bildweite b beschrieben. Die Brennweite ist die Distanz zwischen dem optischen Zentrum und dem Brennpunkt. Die Bildweite ist die Distanz zwischen dem Gegenstand und dem Bild.

Die Abbildungsformel lautet:

$$\frac{1}{f} = \frac{1}{g} + \frac{1}{b}$$

wobei g die Gegenstandsweite ist. Diese Formel ermöglicht es, die Position und Größe eines Bildes zu berechnen, wenn die Position des Gegenstands und die Brennweite des Systems bekannt sind.

Ein weiterer wichtiger Begriff ist die Vergrößerung M , die das Verhältnis zwischen der Bildgröße und der Gegenstandsgröße darstellt. Sie ist gegeben durch:

$$M = \frac{b}{g}$$

Die Geometrische Optik findet in vielen Bereichen der Technik Anwendung, von der Fotografie bis zur Medizintechnik. Sie ist auch ein grundlegendes Thema in der Physik und der Ingenieurwissenschaften.

17. The distiller, within the bills, shall 24 hours at least, and elsewhere 48 hours, before he receive any quantity of wine, cyder, sugar, water, or any kind of fermented wash, into his custody, give notice to the officer of excise, of the quantity and species, and when he intends to receive the same; on pain of 50*l.* 24*G.* 2. c. 40. *f.* 24. Notice of taking in materials,

And by the yearly malt acts, every distiller who shall receive any quantity of cyder or perry into his custody, shall give notice in writing to the officer under whose survey he shall reside, 48 hours before he shall begin to put any of the same into the still, to be drawn into low wines or spirits; and if he shall not give such notice, or shall dispose of any quantity thereof otherwise than by distillation, he shall forfeit 5*l.* 28*G.* 2. c. 2. *f.* 9.

18. The excise officers by day or by night (but if in the night, in presence of a constable) may enter into all houses and places made use of by distillers or dealers in the said liquors, and by tasting, gaging, or otherwise, may take an account of the quantity and quality; and if such person shall obstruct the officer, he shall forfeit 50*l.* 6*G.* c. 21. *f.* 14. Officer to enter and survey.

19. And the officer may take a sample of the low wines or spirits, and of the feints and spent wash, paying for such spirits or low wines after the rate of 10*s.* a gallon, and for the feints and spent wash 1*s.* a gallon; and if any distiller, his workman or servant, shall refuse to permit him to take such samples, or shall obstruct him in taking thereof, he shall forfeit 50*l.* 24*G.* 2. c. 40. *f.* 23. Officer may take a sample.

20. If the distiller or maker shall conceal any the said liquors from sight of the gager, he shall forfeit 5*s.* a gallon. 3*W.* c. 15. *f.* 2. Concealing from the gager.

21. The officer may keep an account of the several sorts of wash which shall be found by him in the hands of a distiller, and upon any decrease of such wash brewed or made from malted corn or corn unmalted, may charge such distiller with so much low wines or spirits of the first extraction as one fourth part of the same wash so decreased shall amount unto; and also with so much proof spirits or spirits of the second extraction, as three fifth parts of the said low wines so charged shall amount unto: and also upon any decrease of wash made from cyder or perry, may charge such distiller upon whom such decrease shall be found, with so much low wines or spirits of the first extraction, as one fifth part of the same wash so decreased shall amount unto; and likewise with so much proof spirits, or spirits of the second extraction, as one half part of the same low wines or spirits of the second extraction shall amount unto. 4*An.* c. 12. *f.* 4. Officer to charge for materials milling.

22. No distiller shall deliver or carry out any low wines, spirits, or *aqua vitae*, to any of their customers, in cask, or by the gallon, without notice thereof first given to the officer of excise, unless from *Sep.* 29 to *Mar.* 25 yearly, between five in the morning and eight in the evening, and from *Mar.* 25 to *Sep.* 29 yearly, between three in the morning and nine in the evening; on pain of 10*l.* 7*£* 8*W.* c. 30. *f.* 15. Carrying out of the still house,

Retailers houses
to be entred.

23. Every person who shall retail less than two gallons, shall ten days before make entry in writing of all warehouses, shops, cellars, or other places by him intended to be used, at the next excise office; and of all spirituuous liquors therein: on pain of 20*l.* for every place, and 40*s.* for every gallon not entred, and also the liquors and casks. 9*G.* 2. c. 23. f. 7.

Retailer to give
notice of bring-
ing in.

24. And no spirituuous liquors shall be brought into any such warehouse or other place, without first giving notice to the officer of excise; and leaving with him an authentic certificate, that all the duties are paid, or that they have been condemned as forfeited, and expressing the quantity and quality, the name of the seller, and where the duties were paid, or the liquors condemned; on pain of 20*l.* and the liquors and casks. 9*G.* 2. c. 23. f. 7.

Permit on bring-
ing in.

25. No *foreign* brandy or spirits, altho' under one gallon, shall be received into the custody of any retailer, without a permit signifying that the duties were paid, or that it had been condemned; on pain of forfeiting the same, and the vessel. 8*G.* c. 18. f. 13.

British to be
kept separate
from foreign
spirits.

26. All dealers in foreign brandy or spirits, who shall receive into their custody *British* spirits, shall keep the same in separate cellars or other places, from their foreign brandy or spirits; on pain of 10*s.* for every gallon of *British* spirits found in the same place with the foreign spirits, together with the casks in which the said *British* spirits shall be found. 8*G.* c. 18. f. 11.

Retailer increa-
sing the liquors.

27. No retailer shall make any increase of the liquors, after they have been taken account of by the officer, by any private addition thereto of water or other liquor; on pain of 40*s.* a gallon, and the liquors so mixed shall be seized and forfeited. 9*G.* 2. c. 23. f. 8.

And if the officer of excise shall find any increase of *foreign* spirits, over and above the quantity which he found at any dealers on the last survey, such increase shall be deemed to be made by foreign spirits for which no duty was paid; and so much as shall be found increased, shall together with the cask be forfeited, unless the owner make it appear, that the increase was made by mixing therewith in the presence of the officer of the division, some of his stock of *British* spirits whereof the officer had taken an account, or by foreign spirits brought with a permit, or that it had been condemned and brought in on due notice given to the officer. 8*G.* c. 18. f. 12.

Retailer conceal-
ing.

28. The officers at all times by day and night (but if in the night, in presence of a constable, oath being first made before a justice dwelling near of a probable cause of suspecting a concealment) may enter into all such warehouses, shops, or other places, and by tasting, gaging, or otherwise, take an account of the quantity and quality; and if any such retailer shall hinder the officer, he shall forfeit 50*l.* 9*G.* 2. c. 23. f. 9.

None to be sold
but in entred
places.

29. And no such liquors shall be sold, but in such warehouse, shop, cellar, or other place, so entred; on pain of 40*s.* a gallon. 6*G.* c. 21. f. 15.

And by the 11*G.* c. 30. No *arrack*, whether *British* or foreign, shall be offered to sale, either by wholesale or retail, but in an entred

THE STATE OF NEW YORK
IN SENATE
JANUARY 1, 1901.

REPORT
OF THE
COMMISSIONER OF THE
DEPARTMENT OF CORRECTIONS
FOR THE YEAR
1900.

ALBANY:
J. B. LIPPINCOTT & CO.,
PRINTERS,
1901.

THE
COMMISSIONER OF THE
DEPARTMENT OF CORRECTIONS,
ALBANY.

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DEPARTMENT OF CORRECTIONS,
ALBANY.

Chills are a common symptom of many diseases, particularly those of the febrile type. They are characterized by a sudden, intense coldness, often accompanied by shivering and a feeling of being chilled. This is usually followed by a rise in body temperature, which may be accompanied by a feeling of heat and sweating. The chills are often described as a "cold shiver" or a "chill run."

The chills are usually a result of a sudden increase in the body's metabolic rate, which is often caused by the release of pyrogens (fever-producing substances) from the cells of the body. These pyrogens act on the hypothalamus, the part of the brain that regulates body temperature, causing it to raise the body's temperature. This leads to the chills, as the body tries to generate heat to reach the new, higher temperature.

Chills are often a sign of a serious infection, such as pneumonia, sepsis, or meningitis. They may also be a symptom of a less serious condition, such as a viral infection or a cold. In some cases, chills may be a symptom of a chronic condition, such as malaria or tuberculosis.

The chills are usually a temporary symptom, lasting only a few hours or days. However, if they are accompanied by other symptoms, such as fever, sweating, or a change in mental status, they may be a sign of a more serious condition. In such cases, it is important to seek medical attention as soon as possible.

Excise. (*Spirituous liquors.*)

413

entred place; on pain of forfeiting the same, with the casks or other vessels, besides the said penalty of 40 s. a gallon. *f. 3.*

30. Every person who shall have in his custody above 63 gal- Who shall be deemed a seller and dealer in such liquors. 6 G. 2. c. 21. *f. 18.* *Who shall be deemed a seller and dealer.*

31. No person shall retail any distilled spirituous liquors or strong waters, mixed or unmixed, without a licence taken out ten days before, for which he shall pay 40 s. yearly; if within the bills, from two commissioners of excise; elsewhere, from the collectors and supervisors within their respective districts. 16 G. 2. c. 8. *f. 8.* 24 G. 2. c. 40. *f. 9.* *Licence for retailing.*

And every person who shall retail spirituous liquors mixed or unmixed, to be drank in any quantity whatsoever, in any place to him belonging; or shall retail or send the same abroad in less quantity than two gallons, shall be deemed a *retailer*. 17 G. 2. c. 17. *f. 20.*

32. And no such licence shall be granted, except to such persons only who keep taverns, victualling houses, inns, coffee houses, or alehouses; and all other licences shall be void: and if any licensed person shall exercise the trade of a distiller, grocer, or chandler, or keep a brandy shop for sale of spirituous liquors, the licence shall be void. 17 G. 2. c. 17. *f. 19.* *Who only shall have licences.*

And no licence shall be granted within the limits of the head office of excise in *London*, but to such as occupy tenements of 10 l. a year, and pay parish rates for the same; or in places where the occupiers of houses are not rated to the church and poor, then to such persons as pay rent of 12 l. a year, and not otherwise; nor to persons in any other part of the kingdom, but such as pay to the church and poor: And no licence shall be of any avail longer than he shall be so qualified. 24 G. 2. c. 40. *f. 12.* 26 G. 2. c. 13. *f. 9.*

33. And such persons also shall first be licensed to sell ale or spirituous liquors, by two or more justices of the peace. 16 G. 2. c. 8. *f. 11.* *To be first licensed to sell.*

And the justices of the peace, and other officers, shall have the same jurisdiction over such retailers of spirituous liquors, as they have over alehousekeepers. 12 & 13 W. c. 11. *f. 18.* 2 G. 2. c. 28. *f. 10.*

34. And no licence shall empower any person to sell spirituous liquors in any place, except in the house or places thereto belonging, wherein they shall inhabit at the time of granting the licence. 17 G. 2. c. 17. *f. 22.* *To be licensed only where they dwell.*

35. Persons retailing without licence shall forfeit 10 l. and on nonpayment when demanded, one justice on oath of such neglect shall commit the offender to the house of correction, to be kept to hard labour for two months, or till paid. 16 G. 2. c. 8. *f. 9.* *Penalty of selling without licence.*

And the said penalty shall in no case be mitigated below the sum of 5 l. 24 G. 2. c. 40. *f. 11.* 26 G. 2. c. 13. *f. 8.*

And the justices may, if they think proper, instead of levying the penalty, commit the offender to the house of correction, to be kept to hard labour for two months; and the person so committed

shall before his discharge, be stript naked from the middle upwards, and whipt until his body be bloody. 17 G. 2. c. 17. s. 18.

And also all the distilled spirituous liquors that shall be then, or at any time within six months after conviction, found in his custody, house, or other place occupied therewith, whether it be in his own occupation or not, shall by warrant of the said commissioners, or of one justice, be seized, and staved, or otherwise destroyed: And any peace or parish officer, authorized by such warrant, may at any time in six months after conviction enter such places, and break open doors, if not opened on demand. And if any person shall offend again in like manner, the commissioners or justices before whom he shall be convicted of such subsequent offence, may inflict the penalties by any former law to be inflicted for such offence, and also commit the offender to the house of correction, to be kept to hard labour not exceeding three months, and also (if they shall think fit) order him to be whipt. And being convicted of a third offence, it shall be deemed felony, and the sessions may transport him for any time not exceeding seven years. 24 G. 2. c. 40. s. 13.

And the conviction shall be in this form, or to the like effect, *viz.*

Middlesex. A. B. is convicted on his own confession (or on the oath of A. W.) of having sold strong waters in the parish of _____ in this county, on the _____ day of _____ without being duly licensed thereto: This is the first, second, or third conviction. Given under my hand and seal &c.

And the commissioners, or one justice, on oath of any offence against this act, or any other act for regulating the retailing of spirituous liquors, may grant a warrant to any of the peace officers, or other parish officers, to enter and search the houses and other places, where the offence shall be sworn to have been committed, or in the occupation of the persons sworn to be guilty thereof, and they may break open the doors if not opened on demand, and seize all such distilled spirituous liquors as they shall there find, and detain the same, till the offence shall be heard and determined; and if the offender be convicted, the liquors shall be forthwith staved; and if he be not convicted, the same shall be restored. 24 G. 2. c. 40. s. 14.

Hawking in the streets,

36. No person shall hawk, sell, or expose to sale any spirituous liquors about the streets, highways, or fields, in any wheelbarrow or basket, or on the water in any boat, or in any other manner; or shall sell or expose the same to sale, on any bulk, stall, or shed, or any other place other than as above is allowed; on pain of 10 l. And one justice, on his own view, or confession, or proof of one witness, may convict him; whereupon he shall immediately pay the 10 l. to the churchwardens and overseers: and on refusal or neglect, the justice shall commit him to the house of correction to be kept to hard labour for two months to be reckoned from the day of commitment; and he shall not be discharged till he pay the sum, or till the two months be expired. If there is no informer, it shall be wholly to the use of the

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poor; otherwise, half to the informer, and half to the poor.

9 G. 2. c. 23. f. 13.

And moreover, he shall before his discharge from the house of correction, be stripped naked from the middle upwards, and whipt until his body be bloody. 10 G. 2. c. 17. f. 9.

And any one justice, on information on oath against such person, may (without any previous summons) issue his warrant for apprehending and bringing him before some justice where the offence was committed. 11 G. 2. c. 26. f. 4.

And any person may seize and detain him, until he may give notice to the constable, churchwarden, overseer, or other peace or parish officer; who shall carry the person so seized and detained, before a justice of the peace, who shall proceed thereon as in case where he is brought by the constable. 11 G. 2. c. 26. f. 5.

M. 13 G. 2. K. and Crofts. A woman was convicted for selling gin, and it appearing that she was a feme covert, it was objected that she could not be convicted, for as she could make no contract, it must be taken to be her husband's sale; or if she could be convicted, the husband ought to have been joined for conformity. It was answered, that where the crime is of such a nature, as can be committed by her alone, she may be prosecuted without her husband; which being a proceeding grounded merely on the breach of the law, he shall not be included unless privy: In this case there may be imprisonment and whipping. And by the court, We think the conviction is right; for this is not like the cases that found only in damages. The wife may be convicted for recusancy. And though she cannot have the benefit of the contract, yet she as well as a servant may do the act of vending. Besides, there would be a plain way to evade the act, if femes covert could not be convicted. *Str. 1121.*

37. If any less quantity than two gallons shall be sold or delivered in any clandestine manner, to any person, in any house, outhouse, stable, barn, shed, or other place, part of or belonging to any house or farm; in such case, the occupier, or occupiers (if more than one) consenting thereto, shall be deemed retailers, and forfeit as selling without licence. 11 G. 2. c. 26. f. 1. Occupier of the house shall be liable.

58. Persons giving away spirituuous liquors, to servants or apprentices fetching goods from their shops, shall be deemed retailers. 9 G. 2. c. 23. f. 16. Persons giving away spirituuous liquors.

39. If any master or other person shall agree to pay any workman, servant, or labourer, or other person employed by him or for him, so much money for wages, and so much spirituuous liquors, as together with the money shall amount to the value of the wages usually paid in like cases; or shall set off or deduct any part of the wages, for any spirituuous liquors; he shall be deemed a retailer, and forfeit 20*l.* over and above the other penalties, and such servant shall be intitled to his whole wages. 9 G. 2. c. 23. f. 11. Paying wages in spirituuous liquors.

40. But nothing herein shall extend to physicians or apothecaries selling the same as medicines. 9 G. 2. c. 23. f. 12. 16 G. 2. c. 8. f. 12. Apothecaries selling spirituuous liquors.

Exercise. (*Spirituous liquors.*)

Selling in gaols
or workhouses.

41. No licence shall be granted for retailing of any spirituuous liquors, within any gaol, prison, house of correction, workhouse, or house of entertainment for parish poor; and if any keeper of such prison or house shall sell, give, lend, or give away, or knowingly suffer any spirituuous liquors or strong waters to be sold, used, lent, or given away in any such gaols or houses, or brought into the same, except such as shall be prescribed by the direction of a regular physician, surgeon, or apothecary, from the shop of some regular apothecary, — he shall forfeit 100*l.* half to the king, and half (with full costs) to him who shall sue in the courts at *Westminster*. And if any such person shall offend again in like manner, and be a second time convicted; he shall forfeit his office. 24 G. 2. c. 40. *s.* 17.

And any justice, on information on oath that spirituuous liquors or strong waters are kept and disposed of in any such prison or other place, may enter and search, or empower by warrant any constable to search for and seize all such liquors as shall be found (except such as are directed to be used medicinally) and to stave and destroy the same. *s.* 18.

And if any person shall bring, or endeavour to bring any such liquors (except in the way of medicine as before mentioned) into any such gaol or other place, the gaoler or his servants may apprehend and carry such offender before any justice of the peace, who shall hear and determine such offence in a summary way; and if by the oath of one witness, or otherwise, such person shall be convicted, he shall be committed to prison or to the house of correction, not exceeding three months, unless he shall immediately pay down such fine not exceeding 20*l.* and not less than 10*l.* as the justice shall impose, to be paid half to the informer, and half to the poor of such prison or workhouse. *s.* 19.

And the gaoler, keeper, master, or other officer, shall procure a copy of the three preceding clauses, to be printed or fairly written, and hung up in one of the most publick places of his gaol, house of correction, or workhouse aforesaid, and renew the same from time to time, so that it be always kept fair and legible; on pain of 40*s.* by warrant of one justice, on oath of one witness. And any justice may enter and demand a sight of it, and if it shall not be shewn to him hung up in some publick place fair and legible; he shall immediately convict such person, and so from time to time as often as he shall think fit: half to be to the informer, and half (or the whole if there be no informer) to the poor of such gaol or other place. *s.* 20.

Recovering debt
for spirituuous
liquors.

42. No person shall recover any debt on account of spirituuous liquors, unless it shall *bona fide* have been contracted at one time to the amount of 20*s.* or upwards; nor shall any particular article in any account be allowed, where the liquors delivered at one time, shall not amount to the full value of 20*s.* and where no part of the liquors so sold shall be agreed to be returned; and if any retailer, with or without a licence, shall take any pawn by way of security for payment of any money for such liquors, he shall forfeit 40*s.* by warrant of one justice, half to the poor, and half to the informer; and the owner shall have such

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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such remedy for recovering such pawn, as if it had never been pledged. 24 G. 2. c. 40. *f.* 16.

43. If any distiller or other person shall knowingly sell or deliver any distilled spirituous liquors, that the same may be unlawfully retailed, or to any unlicensed retailer; he shall forfeit 10*l.* and treble value of the liquors, half to the king, and half to him that shall sue in the courts at *Westminster*. And if any person guilty of retailing such liquors, shall discover the distiller or person who knowingly supplied him therewith, and prosecute him to conviction, he shall be intitled to his share of the penalty, and indemnified against all penalties incurred by him before that time, for selling spirituous liquors without licence. 24 G. 2. c. 40. *f.* 15.

Distiller delivering to unlicensed retailer.

44. If any persons to the number of five or more, shall in a tumultuous and riotous manner assemble to rescue any offenders against any act relating to spirituous liquors, or for licensing the retailers thereof, or to assault any person who shall have given or is about to give any information against, or shall have discovered or given evidence against, or shall seize or bring to justice any offender; he, his aiders and abettors, shall be guilty of felony, and transported for seven years. 24 G. 2. c. 40. *f.* 32.

Riotously rescuing offenders, or assaulting informers.

45. Where any such liquors shall be sold in any such entred place, the officer shall on request of the seller (without fee) give the buyer a certificate signed by him, expressing the quantity, the name of the buyer and seller, and that the duty hath been paid, or that it hath been condemned as forfeited. 6 G. c. 21. *f.* 16.

Permit for removal after sale.

And no such liquor, exceeding one gallon, shall be carried without such certificate or permit; on pain of forfeiting the same with the casks and vessels. *f.* 17.

And if any person shall take out a permit, and not remove the liquors accordingly, nor return the permit; he shall forfeit treble value: And if there appears not a sufficient decrease in the stock, to answer the quantity in the permit, the officer may seize so much as will answer the quantity. But no person shall receive a permit, without direction in writing of the person (or his servant) from whose stock the goods are to be removed; on pain of 50*l.* and in default of payment, three months imprisonment. 11 G. c. 30. *f.* 10.

46. If any person shall offer any spirituous liquors to sale, not having a permit; or if any pedlar, or other trading person, going from town to town, or other mens houses, and trading either on foot, or with any horse or other cattle, or otherwise, shall offer any such liquors to sale, altho' he have a permit: the person to whom they are offered to sale, may seize and detain such liquors, and carry them to the next warehouse belonging to the customs or excise, and bring the person before a justice, to be by him committed to prison, and prosecuted for the penalties incurred for such offence; and such liquors may be prosecuted in the name of the person who stopped or seized the same, in like manner as if they had been seized by an officer. 9 G. 2. c. 35. *f.* 20.

Selling without a permit, or pedlars with one.

47. When any officer of the customs shall neglect to seize and prosecute any vessel, boat, horses, or other cattle or carriage, for

Officer neglecting to seize.

feited for running of brandy, and shall be convicted thereof on his appearance or default, by oath of one witness or confession; he shall forfeit 50 *l.* 6 G. 2. c. 17. *f.* 10.

Constable neglecting his duty.

48. If any constable or other peace officer, shall refuse or neglect on notice, or his own view, to be aiding in the execution of this, or of the acts of 9 G. 2. or 10 G. 2. herein mentioned; he shall, on conviction by the oath of one witness, forfeit 20 *l.* 11 G. 2. c. 26. *f.* 7.

Carrying coastwise.

49. All low wines or spirits carried coastwise, without a certificate from the officer of excise where they were made, that the duty hath been paid, shall be forfeited, and seized by the officers where they shall be brought in. 3 G. c. 4. *f.* 17.

Exportation.

50. It is generally provided by the several statutes, that home spirits may be exported, and a drawback of the duties allowed thereupon.

But by the 6 G. 2. c. 17. for spirits drawn from *British* corn, there shall be allowed a drawback by the excise officers at the port of shipping, of 4 *l.* 18 *s.* a ton, in full of all drawbacks: Except that for every ton of spirits drawn from barley malt, or other corn, there shall be paid by the officers of the customs, when barley is 24 *s.* a quarter, or under, 1 *l.* 10 *s.* in like manner as for corn exported. *f.* 7, 8.

Power of the justices.

51. All the penalties, not herein otherwise directed, shall be sued for and mitigated as by the laws of excise, or in the courts at *Westminster*; and be half to the king, and half to the informer or prosecutor. 24 G. 2. c. 40. *f.* 33.

Reward where no penalty is levied.

52. And where the retailer is sent to the house of correction, the commissioners shall cause rewards, not exceeding 5 *l.* to be paid to the informers. 17 G. 2. c. 17. *f.* 21.

Limitation of actions.

53. No information shall be brought against a distiller, for any false or misentry, or offence, but within three months after the offence committed; and notice thereof shall be given to the party in writing, or left at his dwelling house, within a week after laying the information. 12 & 13 W. c. 11. *f.* 17.

Sale after condemnation.

54. And the commissioners shall cause all foreign excisable liquors, seized for non-payment of duty, or for being prohibited to be imported, to be publicly sold, after condemnation, to the best bidder, at such places as they shall think proper. 12 G. c. 28. *f.* 1.

Utensils liable.

55. And all stills, worms, and still heads, and other vessels and utensils for distilling, by whomsoever they shall be claimed, shall be liable to arrears. 7 & W. c. 30. *f.* 13.

Conviction to be kept amongst the records of the sessions.

36. The justices within the limits of the head office of excise in *London*, shall once in every month transmit to the clerk of the peace, a certificate of all persons convicted before them for any offences against this or any former act relating to spirituous liquors, or for licensing the retailers thereof; who shall keep and enter the same among the records of the court: which certificate shall be evidence upon any information relating to spirituous liquors. 24 G. 2. c. 40. *f.* 21.

1. The first step in the compilation process is the analysis of the source code. This involves identifying the basic building blocks of the program, such as variables, constants, and operators. The analysis phase is crucial for understanding the structure and semantics of the code.

2. Once the source code has been analyzed, the next step is the generation of intermediate code. This code is a representation of the source code that is easier to manipulate and optimize. It is typically generated using a compiler front-end.

3. The third step in the compilation process is the optimization of the intermediate code. This involves applying various techniques to improve the performance of the code, such as removing redundant calculations and reordering instructions. Optimization is a key factor in determining the efficiency of the compiled code.

4. The final step in the compilation process is the generation of the target code. This code is the final output of the compiler and is typically in a format that can be executed by the target hardware. The generation of target code involves translating the optimized intermediate code into the specific instructions and syntax of the target architecture.

5. The compilation process is a complex task that requires a deep understanding of both the source code and the target hardware. It is a multi-step process that involves a combination of analysis, transformation, and optimization. The goal of the compilation process is to produce a target code that is as efficient and reliable as possible.

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XV. Starch and hair powder.

1. By the 10 *An. c. 26.* and 12 *An. st. 2. c. 9.* For all starch imported shall be paid 4*d.* a pound, over and above all other duties. Duty on starch imported.

And all hair powder made of starch, or other powder that will serve for the same uses as starch, shall on importation pay the same duties, as foreign starch imported. 3 *G. c. 4. f. 14.*

2. And by the said acts, for all starch made in the kingdom, a duty shall be paid of 3*d.* a pound. Duty on home starch.

3. For the management of which duties on home starch, the commissioners of the treasury shall appoint commissioners, who shall substitute inferior officers. 10 *An. c. 26. f. 9.* Officers for these duties.

3. And no maker of starch shall set up or use any workhouse, storehouse, room, or other place, for making, drying, or keeping of starch, or for the converting or keeping any flour, meal, or other materials proper to be made into starch, or use any fat, trough, box, stove, utensil or other vessel for making of starch; without notice thereof being first given in writing at the next office for the said duties; on pain of 50*l.* 10 *An. c. 26. f. 10.* Places of making to be entered.

And all flour, meal, and other materials, found in any private workhouse, or other place, and all private utensils and vessels for making or keeping starch, for which no entry shall be made, or notice given, shall be forfeited, or the value thereof. 10 *An. c. 26. f. 22.*

5. And the officers shall at all times by day or night, and if in the night in presence of a constable, be permitted on request to enter the house, workhouse, warehouse, or other place used by any maker of starch; and by gaging or weighing the starch, and gaging the boxes and other utensils, or otherwise, to take an account of the quantity; and thereof shall make return in writing to the commissioners, leaving a true copy, if demanded, under his hand, with the maker; and if he shall not leave such copy (after demand in writing, 12 *G. c. 28. f. 30.*) he shall forfeit 40*s.* 10 *An. c. 26. f. 14.* Officers to enter and survey.

6. And if the maker shall obstruct such officer in the execution of his duty, he shall forfeit 20*l.* 10 *An. c. 26. f. 18.* Obstructing the officer.

7. The maker shall use regular, square, or oblong boxes only, for boxing and draining his green starch, before it is dried in the stove; on pain of 10*l.* 4 *G. 2. c. 14. f. 1.* How to be boxed in making.

8. And he shall, if within the bills, give 12 hours, elsewhere 24 hours notice in writing to the officer, of his intention to put any green starch into such boxes; on pain of 20*l.* And he shall, within two hours after such notice shall have been given, begin to box it, and so continue, that the officer may have a gage of the whole; on pain of 20*l.* 4 *G. 2. c. 14. f. 1.* Notice of boxing.

9. And if the charge be made by gaging it before it be dried in the stove; then every box of green starch, or starch before it be dried, containing 57 inches in length, and 10 inches in breadth, and eight inches in depth, or in the whole 4560 solid inches, shall be

be esteemed 131 pounds *avordupois*, of starch dried and perfectly made. 1 G. 2. c. 2. f. 6.

Scales and weights.

10. And the maker shall keep scales and weights at the place where he makes his starch, and permit and assist the officer to make use thereof; on pain of 10 *l.* 10 An. c. 26. f. 16.

Removing before surveyed.

11. No maker of starch shall (on pain of 20 *l.*) remove any starch, of which no account hath been taken by the officer, from the place where it was made; without giving to the officer within the bills 24 hours notice, and elsewhere two days notice. 10 An. c. 26. f. 19.

Concealing.

And by 4 G. 2. c. 14. If he shall remove any starch after it is dried, out of the stove or drying place, before it has been weighed and taken account of by the officer; he shall forfeit 50 *l.* f. 2.

12. If any officer of the duties upon starch or of the customs, shall have any cause to suspect that starch is privately making in any place, or concealed; then upon oath made before any commissioner or justice residing near, setting forth the ground of his suspicion, such commissioner or justice may issue his warrant, to authorize such officer by day or night (but if in the night, in presence of a constable) to enter such suspected place, and seize and carry away the same, with the materials, as forfeited, together with the boxes and other things containing it: and unless the party make it appear that the duty has been paid, he shall forfeit 50 *l.* and if any person obstruct the officer, he shall forfeit 100 *l.* 4 G. 2. c. 14. f. 4. 23 G. 2. c. 21. f. 34.

Officer to charge for materials missing.

13. The officer shall be permitted to take an account of the quantities of flour, meal, and other materials proper to be made into starch, that shall be in the possession of the maker; and if he shall miss any such materials, which he had taken an account of the last time he was there, and shall not on reasonable demand, receive satisfaction what is become thereof, he may charge the maker with such quantity of starch, as such materials so missing in his judgment would reasonably have made, not exceeding 25 pounds weight of starch, for every bushel of such ingredients mixed or unmixed. 10 An. c. 26. f. 17.

Starch unsurveyed to be kept separate.

14. The maker shall keep all starch by him made and not surveyed, separate from other starch which hath been surveyed, for 24 hours after making within the bills, and for two days elsewhere, unless it shall be sooner surveyed; on pain of 5 *l.* 10 An. c. 26. f. 20.

Entry of starch made.

15. The maker within the bills shall monthly, and elsewhere every six weeks, make entry in writing at the next office, of all the starch by him made, setting forth the weight, and how much was made at each time; on pain of 50 *l.* Which entry shall be on oath of the maker or his chief workman, according to the best of his knowledge and belief, before such officer as shall be appointed by the commissioners within the bills, and elsewhere before the collector and supervisor. 10 An. c. 26. f. 11.

But he shall not be obliged to go further to make entry, than to the next market town. f. 12.

Payment of the duties.

16. The maker within the bills shall within four weeks, and elsewhere within six weeks after entry, clear off the duties; on pain

and the other two are the same as the first.

The first is the same as the second.

The second is the same as the third.

The third is the same as the fourth.

The fourth is the same as the fifth.

The fifth is the same as the sixth.

The sixth is the same as the seventh.

The seventh is the same as the eighth.

The eighth is the same as the ninth.

The ninth is the same as the tenth.

The tenth is the same as the eleventh.

The eleventh is the same as the twelfth.

The twelfth is the same as the thirteenth.

The thirteenth is the same as the fourteenth.

The fourteenth is the same as the fifteenth.

The fifteenth is the same as the sixteenth.

The sixteenth is the same as the seventeenth.

The seventeenth is the same as the eighteenth.

The eighteenth is the same as the nineteenth.

The nineteenth is the same as the twentieth.

The twentieth is the same as the twenty-first.

The twenty-first is the same as the twenty-second.

The twenty-second is the same as the twenty-third.

The twenty-third is the same as the twenty-fourth.

The twenty-fourth is the same as the twenty-fifth.

The twenty-fifth is the same as the twenty-sixth.

The twenty-sixth is the same as the twenty-seventh.

The twenty-seventh is the same as the twenty-eighth.

The twenty-eighth is the same as the twenty-ninth.

The twenty-ninth is the same as the thirtieth.

pain of double duty: And no maker, after default in payment, shall sell or deliver out any starch until he hath cleared off the duty; on pain of double value. 10 An. c. 26. f. 13.

17. Cocquets granted for shipping starch, to be landed in any other part of the kingdom, shall express the quality, quantity, and weight, the mark of the package, and by whom made and sold, and where consigned; and if shipped without such cocquet, it shall be forfeited and seized, together with the package. 23 G. 2. c. 21. f. 29. Carrying it coast-wife.

18. No starch shall be imported otherwise than in some package containing at least 224 pounds of neat starch, and stowed openly in the hold; on pain of being seized and forfeited, together with the package, and the master of the vessel to forfeit 50*l*. 23 G. 2. c. 21. f. 27. Importation and exportation.

But on information brought against such master, he may detain the wages of the mariners, till it be determined; and if it shall appear, that the starch was put on board by any mariner without the master's knowledge, the master may apply the wages of such mariner in payment of the forfeiture. 26 G. 2. c. 32. f. 8.

And the officers of excise (in like manner as the officers of the customs) may go on board any vessel, and search for and seize all starch forfeited, together with the package; and they may likewise seize such as before entry and payment of duties, shall be found unshipping or unshipped. 23 G. 2. c. 21. f. 28.

Starch that hath paid the duties may be exported; and the duties shall be drawn back. 10 An. c. 26. f. 25, 26, 27.

But no drawback shall be allowed on the exportation of any foreign starch imported. 23 G. 2. c. 21. f. 36.

And the officers of excise or customs may seize any starch or hair powder, with the horses and package, where they have good reason to suspect that it hath been privately made, or imported without payment of duty, or reloaded after drawback; and shall in ten days exhibit an information before three commissioners of excise, or two justices near where the seizure is made; and if the party doth not make it appear that the duty hath been paid it shall be forfeited together with the horses and package, and the offender shall likewise forfeit 5*l*. for every hundred weight. 4 G. 2. c. 14. f. 3.

And by the 23 G. 2. c. 21. it is enacted, that the said officers may seize any starch, with the package, that shall be found in any vessel, cart, or other carriage, where they shall have good reason to believe that the same was made in some private workhouse, or clandestinely imported, or reloaded after drawback: and if the party, at the hearing of the information, shall not make it appear that the duty hath been paid or secured, he shall forfeit 5*l*. for every 100 pounds weight, and also the goods and package shall be forfeited. f. 30.

And if any foreign starch shall be unshipped, with intention to be laid on land before entry and payment of the duties, or shall be landed again after shipping for exportation on debenture; the same, together with the package, vessels, boats, horses, and other carriages, used in landing or conveying the same, shall be forfeited,

ed, and may be seized by any officers of the customs or excise; and the persons from whom the same shall be seized, shall forfeit 5*l.* for every hundred weight. 23 G. 2. c. 21. *f.* 31.

And if any person shall knowingly harbour or conceal any starch unlawfully imported, or relanded after shipping for exportation upon debenture; he shall, whether he claims any property therein or not, forfeit 50*l.* for every hundred weight, together with the goods and package. 23 G. 2. c. 21. *f.* 32.

And where any such starch shall be seized as forfeited, and no person shall claim the same in 20 days, if it is within the limits of the chief office of excise in *London*, the officer who made the seizure may cause notice signed by the solicitor of excise, to be affixed at the *Royal Exchange*, of the time of proceeding to trial and condemnation of the same by the commissioners of excise; and if it is out of the said limits, then publick notice shall be given by proclamation, at the next market town, on the market day, next after the said 20 days, of the day and place where the justices will proceed to trial and condemnation thereof: And the judgment thereon shall not be liable to appeal, nor be removed by *certiorari*. 23 G. 2. c. 21. *f.* 33.

Making of hair powder.

19. No perfumer, peruke maker, barber, or dealer in hair powder, shall make, use, or offer to sale, any powder made of or mixed with alabaſter, talke, plaister of *Paris*, whiting, lime, or other thing of the like nature (sweet scents only excepted); on pain of forfeiting the same, and 50*l.* 12 An. st. 2. c. 9. *f.* 20.

And by the 4 G. 2. c. 14. If any maker of hair powder, or other such person, shall mix any powder of alabaſter, plaister of *Paris*, talke, chalk, whiting, lime, or any other material (rice first made into starch, and sweet scents only excepted) with any starch or powder of starch to be made use of for making of hair powder, and shall make any hair powder with any the said materials, or any other material except starch or powder of starch, or of rice first made into starch, and shall use, sell, or offer to sell any hair powder so mixed or made; he shall forfeit the same, and 20*l.* *f.* 5.

Places of making hair powder to be entred.

20. Every maker of hair powder shall make entry in writing at the next excise office, of his place of abode, and of his work-house or other place made use of for making hair powder; on pain of 20*l.* 4 G. 2. c. 14. *f.* 6.

Officer to enter the same and survey.

21. And the officer, in the day time, on his request, may enter places used for making hair powder, and the shops of perfumers, peruke makers, barbers, and other sellers or dealers in hair powder, and examine the same, and carry away samples, paying a reasonable price for the same. 4 G. 2. c. 14. *f.* 7.

And if such starch maker or dealer shall not on request suffer him to enter, and examine, and take samples (on offering to pay the common price); he shall forfeit 20*l.* *id.* *f.* 9.

Person having in his possession materials for adulterating hair powder.

22. And if any starch maker, or dealer in hair powder, shall have in his possession, for making, mixing, or counterfeiting hair powder, any alabaſter, plaister of paris, talk, chalk, whiting, lime, or other material, besides starch, or powder of starch, or of rice first made into starch; he shall forfeit the same, and 10*l.* 4 G. 2. c. 14. *f.* 8.

23. All the said forfeitures shall be sued for, levied and mitigated, as by the laws of excise, or in the courts at *Westminster*; and be distributed half to the king, and half (and on the 10 *An.* c. 26. half with full costs) to the prosecutor. 10 *An.* c. 26. *f.* 29.
24 *G.* 2. c. 40. *f.* 33.
24. And where any starch shall be seized for non-payment of duties, or non-entry, and it shall be disputed whether such payment or entry were made or not; the proof shall lie on the claimer, and not on the officer. 23 *G.* 2. c. 21. *f.* 34. Proof to lie on the claimer.
25. And if the party is not satisfied with any judgment of the justices, on the act of 23 *G.* 2. c. 21. abovementioned, he may appeal to the next quarter sessions (except in the case beforementioned, where no person shall claim the goods seized.) *f.* 36. Appeal.
26. And the mitigation on the said act of 23 *G.* 2. shall not reduce the penalty to less than a fourth part, over and above the charges. *f.* 37. Mitigation.
27. And all starch, materials, and utensils, in custody of the maker, or of any person to his use, shall be liable to all arrears of the duty, and penalties; and such proceedings may be had thereupon, as if the debtor or offender were the lawful owner. 10 *An.* c. 26. *f.* 23. Utensils liable.

XVI. Wire.

1. No foreign embroidery, or gold or silver brocade, thread, lace, fringe, or work made thereof, or of copper, brass, or other inferior metal, or gold or silver wire or plate shall be imported. 15 *G.* 2. c. 20. *f.* 7. 22 *G.* 2. c. 36. *f.* 1. Importing of wire.
2. For all gilt wire made in *Great Britain* shall be paid a duty of 8 *d.* an ounce; for silver wire 6 *d.* an ounce, *troy* weight. 10 *An.* c. 26. *f.* 46. Duty on home wire.
3. And the commissioners of the treasury shall appoint commissioners for these duties, who shall substitute inferior officers. 10 *An.* c. 26. *f.* 48. Officers for these duties.
4. And every person who shall draw any gold or silver wire into such wire as is commonly called big wire, shall first give notice in writing at the next office for the said duties, of his name and place of abode, and where he intends to work; on pain of 20 *l.* And no refiner, wiredrawer, or other person, shall draw any gold or silver into such big wire, at any place other than some common bar house to be approved of by the commissioners; on pain of 20 *l.* 10 *An.* c. 26. *f.* 49. Places of making to be entered.
- And all gilt and silver wire, and bars for making it, which shall be found in any private workhouse, and all private utensils for barring or drawing it, of which notice hath not been given, shall be forfeited and seized, or the value thereof recovered. 10 *An.* c. 26. *f.* 59.
5. And the officer shall at all times, by day or night, and if in the night in presence of a constable, be permitted on his request to enter the bar house, workhouse, or other place used for making of such wire, and take an account of the weight, and thereof make return in writing to the commissioners, or to whom they shall
- Officer to enter and survey.

shall appoint, leaving a copy thereof, if demanded, with the maker; and if he shall refuse to leave such copy (after demand in writing, 12 G. c. 28. *f.* 30.) he shall forfeit 40*s.* 10 *An.* c. 26. *f.* 52.

Obstructing the officer.

6. And if any such maker shall obstruct the officer, in the execution of his office, he shall forfeit 20*l.* 10 *An.* c. 26. *f.* 55.

Scales and weights.

7. And the maker shall keep weights and scales at the place of making the wire, and permit and assist the officer to weigh; on pain of 10*l.* 10 *An.* c. 26. *f.* 54.

Ingots to be weighed.

8. Every ingot or bar of silver, designed for gilt wire, shall be weighed in the presence of the excise officer, who attends the forge where they are made, before they be covered with gold; and shall be weighed in presence of, and marked by the said officer, after the gold is laid on: and on refusal to admit the officer, the refiner or maker shall forfeit 20*l.* half to the king, and half to him that shall sue. 15 G. 2. c. 20. *f.* 8, 9.

Allowance for waste.

9. If the officer's charge be made, by taking the weight of the gold and silver in big wire at the bar house, an allowance of one fifth part shall be made, in consideration of the waste, in reducing the same to small wire. 10 *An.* c. 26. *f.* 53.

Removing before surveyed.

10. No wire drawer shall (on pain of 40*l.*) remove any gilt or silver wire, of which no account hath been taken, from the bar house or place of making, without giving to the officer 24 hours notice. 10 *An.* c. 26. *f.* 56.

Wire unsurveyed to be kept separate.

11. Wire not surveyed shall be kept separate from that which hath been surveyed, for 24 hours after making, unless it shall be sooner surveyed; on pain of 10*l.* 10 *An.* c. 26. *f.* 57.

Concealing.

12. If the maker, or he for whom it is made, shall conceal any wire, or bars of silver prepared for making it; he shall forfeit 20*l.* 10 *An.* c. 26. *f.* 58.

Entry of wire made.

13. The maker shall once in every month make entry in writing at the next office, of all the wire by him made, setting forth the weight, and kinds, and how much was made in each week; on pain of 100*l.* Which entry shall be made on the oath of the maker, or his chief workman, to the best of his knowledge and belief, to be administered by the officer. 10 *An.* c. 26. *f.* 50.

Payment of the duty.

14. And the duty shall be cleared off in six weeks after entry, on pain of double duty. 10 *An.* c. 26. *f.* 51.

Exportation.

15. If any person shall export any gold or silver thread, or lace, or fringe made of plate wire spun upon silk, he shall have a drawback after the rate of 5*s.* a pound *averdupois*, of such silver thread, lace, or fringe, and of 6*s.* 8*d.* a pound of such gold thread, lace, or fringe. 10 *An.* c. 26. *f.* 62.

Power of the justices.

16. All the powers of the excise laws shall be in force for managing these duties: and the penalties and forfeitures (not herein otherwise directed) shall be sued for, levied, and mitigated, as by the laws of excise, or in the courts at *Westminster*; and be employed, half to the use of the king, and half to him that shall inform or sue. 10 *An.* c. 26. *f.* 64. 24 G. 2. c. 40. *f.* 33.

Utensils liable.

17. And all such wire, materials, and utensils, in custody of any maker, or other to his use, shall be liable to the duties and penalties; and such proceedings may be had thereupon, as if

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1. The first part of the document is a list of names and their corresponding addresses. The names are: John Doe, Jane Smith, and Bob Johnson. The addresses are: 123 Main St, 456 Elm St, and 789 Oak St.

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1. The first step in the process is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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if such debtor or offender were the lawful owner. 10 An. c. 26.
f. 60.

For regulations concerning the true making of gilt and silver wire (which do not belong to this place) see the act of 15 G. 2. c. 20.

And for prohibiting the selling or working up of foreign gold or silver lace or thread, see the 22 G. 2. c. 36.

Information against an alehousekeeper for arrears.

Westmorland. **B**E it remembered, that this ——— day of ——— in the ——— year of the reign of his majesty king George the second that now is, at ——— in the said county, A. I. gentleman, in his proper person, as well for his said majesty, as for himself, exhibiteth to us A. P. and J. P. esquires, two of his said majesty's justices of the peace for the said county, residing near to the place where the forfeiture herein after mentioned was made, a complaint and information, and thereby informeth us, that at several times between the ——— day of ——— and the ——— day of ——— both now last past, at ——— aforesaid in the said county, one A. O. at a common alehouse then and there belonging to and used by him, did brew the several and respective quantities of beer and ale therein aftermentioned; that is to say, 30 barrels of strong beer and of strong ale, each above 6s. the barrel; and 60 barrels of small beer, not exceeding 6s. the barrel; and that the said A. O. at and during the respective time and times of brewing the said beer and ale, and of every part thereof, was and yet is a common alehousekeeper; and that there did thereby accrue and become due to his said majesty from the said A. O. for the said beer and ale so by him brewed as aforesaid, certain rates, duties, and sums of money, amounting in the whole to the sum of ——— of lawful money of Great Britain; which said rates, duties, and sums of money so accrued, or any part thereof, the said A. O. hath not paid or cleared off, to or for the use of his said majesty, within a month next after he, according to the statute in that behalf made, did make, or ought to have made his entry or entries of the said beer and ale so by him there brewed as aforesaid, or of any part thereof, or at any time since; but the same yet remain wholly due and unpaid, contrary to the form of the statute in such case made and provided; whereby the said A. O. hath forfeited double the value of the said rates, duties, and sums of money remaining unpaid, as aforesaid; that is to say, ——— of like money; and thereupon the said A. I. who as well for his said majesty, as for himself, exhibiteth this information, prays the judgment of us the said justices in the premises, and that he have one moiety of the said forfeiture, according to the form of the statute in such case made; and that the said A. O. may be summoned to answer the premises before us the said justices.

Summons on the foregoing information.

To Mr. A. O. alehousekeeper.

Westmorland. **W**E J. P. and K. P. esquires, two of his majesty's justices of the peace for the said county of _____ do hereby give you notice, that A. I. gentleman, hath exhibited before us an information against you for the sum of _____ being double the value of certain duties of excise of beer and ale by you brewed, the single duties whereof (as he alledgeth) you ought long since to have paid, but have neglected so to do: You are therefore hereby required to appear before us at the house of _____ at the sign of the _____ in _____ in the said county, on the _____ day of _____ now next ensuing, at _____ of the clock of the forenoon of the said day, then and there to answer to the said information. And if you shall neglect so to do, we shall proceed as if you were personally present. And we do further authorize and require Mr. A. E. officer of excise, or any other officer of excise, to serve this our summons, and to attend us at the time and place last mentioned, then and there to make a return thereof to us the said justices. Given under our hands and seals at _____ in the said county, the _____ day of _____ in the _____ year of the reign of his said majesty king George the second.

Note; The officer who shall serve the summons, ought not to be the informer or prosecutor, for this obvious reason, because that he, being intitled to a share of the forfeiture, is not a proper witness to prove such service; for that would be admitting him to swear for himself in his own cause, which is abhorrent from the nature of our laws.

Information against a maltster for concealing a quantity of malt.

Westmorland. **B**E it remembred, that this _____ day of _____ in the _____ year of the reign of his majesty king George the second, at _____ in the said county, A. I. gentleman, in his proper person, as well for his said majesty as for himself, exhibiteth to us J. P. and K. P. esquires, two of his said majesty's justices of the peace for the said county, residing near to the place where the offence herein aftermentioned was committed, as is alledged, a complaint or information, and thereby informeth us, that A. O. of _____ in the said county, during three months now last past and longer, having been and continued to be, and yet being a maltster and maker of malt, and not having compounded for the duties of the malt herein aftermentioned, he the said A. O. within three months now last past; at _____ in the said county, did fraudulently hide, conceal, and convey away malt by him made, that is to say, 12 bushels of malt so by him made as aforesaid, from the sight and view of one A. E. being at the said time of the said hiding and concealing thereof, and long before, and ever since, the gager appointed to take an account

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account of the same, and then and there endeavouring to take such account; which hiding, concealing, and conveying away as aforesaid, are contrary to the form of the statute in such case made and provided: Whereby he the said A. O. for every bushel of the said malt so hid and concealed, hath forfeited 10s. of lawful money of Great Britain, amounting in the whole to 6l. of like money. And thereupon the said A. I. who as well for his said majesty as for himself exhibiteth this information, prays the judgment of us the said justices in the premisses, and that he may have one moiety of the said forfeiture, according to the form of the statute in such case made; and that the said A. O. may be summoned to answer the said premisses, before us the said justices.

Summons on the foregoing information.

Westmorland. { To Mr. A. O. maltster.

WE J. P. and K. P. esquires, two of his majesty's justices of the peace, for the county aforesaid, do hereby give you notice, that A. I. gentleman, hath exhibited before us an information against you for the penalty of 6l. by you forfeited, for hiding, concealing, and conveying away 12 bushels of malt, from the sight and view of the gager appointed to take an account of the same, against the form of the statute in such case made: You are therefore hereby required to appear before us, at the house of ——— at the sign of ——— in ——— in the said county, on the ——— day of ——— now next ensuing, at the hour of ——— in the forenoon of the same day, then and there to answer to the said information. And if you neglect so to do, we shall proceed as if you were personally present. And we do further authorize and require Mr. A. E. officer of excise, or any other officer of excise, to serve this our summons, and to attend us at the time and place last mentioned, then and there to make a return thereof to us the said justices. Given under our hands and seals at ——— in the said county, this ——— day of ——— in the ——— year of the reign of his said majesty king George the second.

Summons to give evidence.

Westmorland. { To A. W. of ——— yeoman.

WHEREAS we whose hands and seals are hereunto set, being two of his majesty's justices of the peace in and for the said county, have received information, that A. O. of ——— in the said county, alehousekeeper, did on the ——— day of ——— now last past, brew and sell ale and beer, and hath not made entry thereof according to the statute in that behalf made; and that you the said A. W. are a material witness to be examined concerning the same: These are therefore to require you to appear before us at the house of ——— at the sign of the ——— in the said county, on the ——— day of ——— now next ensuing, at the hour of ——— in the forenoon of the same day, to testify your knowledge concerning

the premisses. Herein fail you not. Given under our hands and seals at ——— in the said county, the ——— day of ——— in the ——— year of the reign of his said majesty king George the second.

Judgment against the defendant.

AT the time and place appointed by our summons on the information within written; that is to say, this ——— day of ——— in the ——— year of the reign of our sovereign lord king George the second, at ——— in the county of ——— within mentioned; the within named defendant A. O. appeareth, and pleadeth that he is not guilty of the offence within mentioned; but upon a due and full hearing of the proofs made in and concerning the premisses, we do convict him thereof: [Or,—sufficient proof being made before us, that the within named defendant A. O. hath had due notice of the within written information, and that he was duly summoned to appear before us here this day; and he, in contempt of the said summons, neglecting now to appear, and making default therein; and the fact and offence in the within written information being now fully proved before us, we do convict him thereof:] It is therefore now here considered and adjudged by us the said justices, that the said defendant hath forfeited the within mentioned sum of 50*l.* (which we mitigate and lessen to the sum of 7*l.*) to be distributed as the law directs. Given under our hands and seals, at ——— aforesaid, this ——— day of ——— in the ——— year of the reign of our said sovereign lord king George the second.

Warrant of distress.

Westmorland. { To A. E. and B. E. officers of excise, and to either of them, and to such other person and persons as they or either of them shall take to his or their assistance.

WE whose hands and seals are herunto set, two of his majesty's justices of the peace for the said county of ——— do in his said majesty's name, authorize and command you and every of you, that upon the brewing vessels and utensils for brewing used by A. O. of ——— in the said county, innkeeper, in the brewhouse and place where he usually brews, at ——— aforesaid, and upon the goods and chattels of the said A. O. you or any of you do levy the sum of 20*l.* of lawful money of Great Britain, by us mitigated and lessened from the sum of 50*l.* of like money recovered against him by A. I. gentleman, who prosecuted as well for our sovereign lord the king, as for himself, for a certain offence committed by the said A. O. against the laws and statutes of excise, whereof he the said A. O. is convicted before us; And for the levying thereof you are to seize, take, and carry away the said brewing vessels and utensils for brewing, and also the goods and chattels aforesaid; and if in [eight] days next after such seizure, the said sum of 20*l.* together with the reasonable charges of taking and keeping the said vessels and utensils, goods and chattels, shall not be paid, then, and in such case (after the expiration of the said ——— days) you are to make sale thereof,

1. The first part of the document is a letter from the President of the United States to the Secretary of the Navy, dated 18th March 1881. The letter is signed by the President and is addressed to the Secretary of the Navy. The letter is a copy of a letter that was sent to the Secretary of the Navy by the President. The letter is a copy of a letter that was sent to the Secretary of the Navy by the President.

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1. The first part of the document is a letter from the President of the United States to the President of the Senate, dated January 1, 1877. The letter is signed by Rutherford B. Hayes and is addressed to Charles Schreyer. The letter is a copy of a letter that was sent to the President of the Senate by the President of the United States. The letter is a copy of a letter that was sent to the President of the Senate by the President of the United States.

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In the first part of the paper, I have shown that the
 function $f(x)$ is continuous at $x = a$ if and only if
 the limit $\lim_{x \rightarrow a} f(x)$ exists and is equal to $f(a)$.
 In the second part, I have shown that the function
 $f(x)$ is differentiable at $x = a$ if and only if
 the limit $\lim_{h \rightarrow 0} \frac{f(a+h) - f(a)}{h}$ exists.
 In the third part, I have shown that the function
 $f(x)$ is twice differentiable at $x = a$ if and only if
 the limit $\lim_{h \rightarrow 0} \frac{f(a+h) - f(a) - f'(a)h}{h^2}$ exists.
 In the fourth part, I have shown that the function
 $f(x)$ is n -times differentiable at $x = a$ if and only if
 the limit $\lim_{h \rightarrow 0} \frac{f(a+h) - f(a) - f'(a)h - \dots - \frac{f^{(n-1)}(a)}{(n-1)!}h^{n-1}}{h^n}$ exists.
 In the fifth part, I have shown that the function
 $f(x)$ is analytic at $x = a$ if and only if
 the Taylor series $\sum_{n=0}^{\infty} \frac{f^{(n)}(a)}{n!} (x-a)^n$ converges to $f(x)$ in some neighborhood of $x = a$.

Remainder of the series of Euler

In the first part of the paper, I have shown that the
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History of the series of Euler

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 the Taylor series $\sum_{n=0}^{\infty} \frac{f^{(n)}(a)}{n!} (x-a)^n$ converges to $f(x)$ in some neighborhood of $x = a$.

or of so much thereof as shall be sufficient for the purposes herein specified; which said sum of 20 l. when so levied as aforesaid, you are forthwith to pay to the collector of excise for the collection called ——— collection, for the time being; to be by him distributed and answered, according to the statute in such case made and provided: and after levying thereof, the overplus which shall remain of the said brewing vessels and utensils for brewing, and of the said goods and chattels, and of the money arising by such sale, you are to return unto the said A. O. upon demand, the reasonable charges of taking, keeping, and selling the said vessels and utensils, goods and chattels, being out of the said overplus money first deducted.

And all constables and other peace officers of the said county are hereby required to be aiding and assisting to you in the due execution hereof. But in case there cannot be found sufficient to raise the sum last mentioned, then and in such case you are, by a return to this our warrant, forthwith to certify the same to us the said justices. Given under our hands and seals at ——— in the said county, this ——— day of ——— in the ——— year of his said majesty's reign, and in the year of our lord 1754.

Return of the want of distress.

Westmorland. **I** A. E. one of the officers of his majesty's duties of excise, do hereby certify to J. P. and K. P. esquires, two of his said majesty's justices of the peace for the said county, that by virtue of a warrant from the said justices to levy the sum of 20 l. upon the brewing vessels and utensils for brewing used by A. O. in his usual place of brewing, and upon his goods and chattels, I have made diligent search for such vessels, utensils, goods, and chattels; and that I can find none such; and that I do not know, nor can find, that the said A. O. hath any goods or chattels whatsoever. Witness my hand hereunto set, at ——— in the said county, this ——— day of ——— in the year of our lord 1754.

Warrant of commitment.

Westmorland. **To** A. E. and B. E. officers of excise, and to either of them, and to such person or persons as they or either of them shall take to their assistance: And to the gaoler or keeper of such prison to whom these presents shall come.

WHEREAS we whose hands and seals are hereunto set, two of his majesty's justices of the peace for the said county of ——— by our warrant under our hands and seals, bearing date the ——— day of ——— now instant, did require and command you the said A. E. and B. E. or either of you, to levy the sum of 20 l. therein mentioned on the brewing vessels and utensils for brewing, used by A. O. of ——— in the said county, innkeeper, and upon the goods and chattels of the said A. O. And whereas you the said A. E. and B. E. by a return and certificate under your hands, bearing date the ——— day of ——— now instant, have certified to us, that having made diligent search for such brewing vessels and utensils for

brewing, and for such goods and chattels, you cannot find any whereon to levy the said 20*l.* or any part thereof, and that no such vessels, utensils, goods, or chattels can be found: We therefore the said justices do in his majesty's name hereby authorize, require, and command you, every, or any of you, to take and arrest the body of him the said A. O. and forthwith to carry him to the gaol or prison of and for the county or place where you shall so take and arrest him; and him, together with a duplicate of this our warrant, there to deliver into the custody of the gaoler or keeper of the said gaol or prison of and for the said county or place, there to remain in safe custody until he shall satisfy and pay the said sum of 20*l.* of lawfully money of Great Britain, by us mitigated and lessened from the sum of 50*l.* of like money, by us the said justices adjudged against him, upon an information exhibited against him before us by A. I. gentleman, as well on the behalf of his said majesty, as of himself, for a certain offence committed by the said A. O. against the laws and statutes of excise, whereof he stands convicted before us the said justices. And all constables, and other his majesty's officers, are hereby authorized and required, to be aiding and assisting to you in the due execution hereof. And the gaoler and gaolers, keeper and keepers of such prison or gaol to which you shall so carry the body of the said A. O. is and are hereby authorized and required, to receive into his or their custody the body of the said A. O. and the same to keep in safe custody until he shall satisfy and pay the said sum of 20*l.* before mentioned. And for your, any, or either of your doing as is before respectively directed, this shall be to you, any, or either of you respectively, a sufficient warrant and authority. Given under our hands and seals at _____ in the said county, this _____ day of _____ in the _____ year of the reign of his said majesty, and in the year of our lord 1754.

More precedents it is not necessary to add, since the officers of excise are generally well furnished with printed forms drawn by good advice.

Note; These statutes abovementioned, relating to this title, are but temporary, and have their continuance as follows,

8 G. c. 18. Spirituous liquors. By the 8 G. 2. c. 33. to June 1. 1754, and from thence to the end of the then next session of parliament.

5 G. 2. c. 24. Coffee. By the 25 G. 2. c. 35. to March 25. 1758, and from thence to the end of the then next session of parliament.

6 G. 2. c. 37. Hop-binds. By the 24 G. 2. c. 57. to Sep. 1. 1757, &c.

15 G. 2. c. 25. Rum. By the 23 G. 2. c. 26. to Sep. 29. 1757, &c.

19 G. 2. c. 34. Outlawed smugglers. By the 26 G. 2. c. 32. to June 24. 1758, &c.

Attention

WITNESSETH that the within and foregoing is a true and correct copy of the original as the same appears by the records of the Court of the Common Pleas for the County of ... State of ...

Given under the seal of the Court at ... this ... day of ... 19...

... Clerk of the Court

Attention

The within and foregoing is a true and correct copy of the original as the same appears by the records of the Court of the Common Pleas for the County of ... State of ...

Given under the seal of the Court at ... this ... day of ... 19...

... Clerk of the Court

Execution.

1. **W** H E R E a person attainted hath been at large after his attainder, and afterwards is brought into court and demanded why execution should not be awarded against him ; if he deny that he is the same person, it shall be immediately tried by a jury returned for that purpose. 2 *Haw.* 463.

2. The court may command execution to be done, without any writ. 2 *Haw.* 463.

3. In fixed and stated judgments, the law makes no distinction between a peer and a commoner, or between a common and ordinary case, and one attended with extraordinary circumstances ; for which reason it was adjudged in *Felton's* case, who murdered the duke of *Buckingham*, that the court could not order his hand to be cut off, nor make it part of the sentence that his body should be hanged in chains, but that the body after execution being at the king's disposal, might be hanged in chains, or otherwise ordered as the king should think fit. 2 *Haw.* 443.

4. But the king may pardon part of the judgment ; as where the judgment is hanging, beheading, imbowelling, and the like, the king may pardon all but the beheading ; whereby the judgment is not altered, but part of it remitted. 2 *H. H.* 412.

5. It is clear, that if a man condemned to be hanged, come to life after he be hanged, he ought to be hanged again ; for the judgment was not executed till he was dead. 2 *Haw.* 463.

Exigent. See Process.

Extortion.

I T is said, that extortion, in a large sense, signifies any oppression under colour of right ; but that, in a strict sense, it signifies the taking of money by any officer, by colour of his office, either where none at all is due, or not so much is due, or where it is not yet due. 1 *Haw.* 170.

And by the statute of the 3 *Ed.* 1. c. 26. (which is only in affirmance of the common law) *No sheriff, nor other the king's officer, shall take any reward to do his office, but shall be paid of that which they take of the king ; and he that so doth, shall yield twice as much, and shall be punished at the king's pleasure.*

No sheriff nor other the king's officer] Under these words, the law beginning with the *sheriffs*, are understood escheators, coroners, bailiffs, gaolers, and other inferior officers of the king, whose offices were instituted before the making of this act, which do any way concern the administration or execution of justice, or the common good of the subject, or for the king's service. 2 *Inst.* 209.

Also the justices of the peace, whose office was instituted after this act, are bound by their oath of office, to take nothing for their office of justice of the peace to be done, but of the king, and fees accustomed, and costs limited by statute.

And generally, no publick officer shall take any other fees or rewards, for doing any thing relating to his office, than some statute in force gives him, or else as hath been antiently and accustomedly taken: and if he do otherwise, he is guilty of extortion. *Dalt. c. 41.*

Shall take any reward] Therefore by this statute, they can at this day take no more for doing their office, than hath been since allowed to them by authority of parliament 2 *Inst.* 210.

And all prescriptions which have been contrary to this statute, and to the common law in affirmance of which it is made, have been always holden to be void. 1 *Haw.* 170.

And it hath been resolved, that a promise to pay them money for the doing of a thing, which the law will not suffer them to take any thing for, is merely void. 1 *Haw.* 171.

To do his office] It is not said, that he shall take no reward generally, but no reward to do his office: Thus the fee of 20 *d.* called bar fee, time out of mind taken by the sheriff of every prisoner that is acquitted, is not against this statute; for it is not taken for doing his office. 2 *Inst.* 210.

But there seems to be no necessity for this distinction, for it cannot be intended to be the meaning of the statute to restrain the courts of justice, in whose integrity the law always reposes the highest confidence, from allowing reasonable fees for the labour and attendance of their officers: for the chief danger of oppression is from officers being left at their liberty to set their own rates on their labour, and make their own demands; but there cannot be so much fear of these abuses, while they are restrained to known and stated fees, settled by the discretion of the courts, which will not suffer them to be exceeded, without a proper repentment. 1 *Haw.* 171.

But in the ecclesiastical court, a person was libelled against for fees, and upon motion a prohibition was granted, for that it was holden that no court hath a power to establish fees: the judge of a court may think them reasonable, but that is not binding; but if on a *quantum meruit* a jury think them reasonable, then they become established fees. 1 *Salk.* 333.

The fees in sessions, for traversing, trying, or discharging indictments, discharging recognizances, and the like, do vary according to different customs in different places. *Dalt. c. 41.*

Shall yield twice as much] At the common law this offence is severely punishable at the king's suit, by fine and imprisonment, and also by a removal from the office in the execution whereof it was committed. And this statute doth add a greater penalty than the common law did give; for hereby the plaintiff shall recover his double damages. 2 *Inst.* 210. 1 *Haw.* 171.

And by the 31 *El. c. 5.* Actions for extortion may be laid in any county.

At the City of New York, this 1st day of January, 1841.

IN SENATE.

REPORT
OF THE
COMMISSIONERS OF THE LAND OFFICE
IN ANSWER TO A RESOLUTION PASSED BY THE SENATE, APRIL 18, 1840.
ALBANY: PUBLISHED BY J. B. LEECH, 1841.

LANDS BELONGING TO THE STATE.

THE
LANDS BELONGING TO THE STATE
IN THE YEAR 1840.
ALBANY: PUBLISHED BY J. B. LEECH, 1841.

At the king's pleasure] That is, by the king's justices, before whom the cause depends. 2 Inst. 210.

Indictment for extortion in a gaoler.

THE jurors for our lord the king, upon their oath present, that A. O. late of ——— in the said county, yeoman, on the ——— day of ——— in the ——— year of the reign of ——— was taken upon suspicion of having committed a certain felony, by ——— constable of ——— in the said county, by virtue of a warrant directed to the said ——— under the hand and seal of Robert Bolton, doctor of laws, then and yet one of the justices of our sovereign lord the king, assigned to keep the peace in the said county, and was on the same day and year committed by him the said Robert Bolton, to A. G. keeper of the gaol of our said sovereign lord the king at ——— in the said county, under the custody of him the said A. G. to be safely kept, upon suspicion of the felony aforesaid, and the said A. O. was detained in that prison under the custody of the said A. G. from the time that he was committed to the said prison for one month from thence next ensuing, upon suspicion of the said felony; nevertheless the said A. G. in no wise regarding the statute in that case made, and the penalty therein contained, did on the ——— day of ——— at ——— aforesaid, in the said county, demand and receive ——— pounds of lawful money of Great Britain of and from the said A. O. for ease and favour in the said gaol for the said time, in contempt of our said sovereign lord the king, and against the form of the statute aforesaid, and against the peace of our said sovereign lord the king, his crown and dignity.

Indictment for extortion of a bailiff.

THE jurors for our lord the king upon their oath present, that A. B. late of ——— in the said county, yeoman, being bailiff of the hundred of ——— in the said county, on the ——— day of ——— in the ——— year of the reign of ——— at ——— in the said county, by pretext and colour of his said office, did unjustly and by extortion take and extort 5s. of one A. I. of ——— in the said county, yeoman, one of the freeholders qualified to serve upon juries in the said county, to excuse the said A. I. from attending or appearing at the assizes that were then next to be holden in and for the said county, when in fact the said A. I. was not returned by the sheriff of the said county in any panel of jurors, and also when indeed no such sum of money was due to the said A. B. for his fee for excusing the attendance or appearance of the said A. I. at the assizes aforesaid, to the evil example of other offenders, to the great damage of him the said A. I. and against the peace of our said sovereign lord the king, his crown and dignity.

False tokens. See Cheat.

Fast days.

BY the 2 & 3 Ed. 6. c. 19. for the encouragement of the fisheries, and the increase of cattle; and the 5 El. c. 5. intitled, an act touching political constitutions for the maintenance of the navy; and by the 35 El. c. 7. it is enacted as follows:

No person shall eat any manner of flesh on any *Friday* or *Saturday*, or the embracing days, or in *Lent*, nor on any other day commonly reputed a fish day; on pain of forfeiting 20 s. or being imprisoned one month.

And every person in whose house any flesh shall be eaten on fish days, and not disclosing the same to a publick officer having authority to punish the same; shall forfeit 13 s. 4 d.

Which said forfeitures shall be, one third to the king, one third to the informer, and one third to the common use of the parish where the offence shall be committed; to be levied by the churchwardens after conviction.

Prosecution to be at the assizes or sessions, in three months after the offence committed.

But nothing herein shall extend to any person having the king's licence; or being in great age, and weakness thereby; or sick, or notably hurt; or woman with child, or lying in child bed, for eating of such one kind of flesh as she shall have great lust unto; or in prison; nor to the king's lieutenant, deputy, or captain in his armies, but the same may eat, or license their soldiers to eat flesh for lack of other victual; nor to persons licensed by the archbishop of *Canterbury*.

And such licences shall be on condition, that the person licensed shall within six days after *Candlemas*, pay to the poor box where he dwells, if he be a lord 26 s. 8 d. a knight 13 s. 4 d. and all others 6 s. 8 d.

But sick persons may be licensed by the bishop of the diocese, or by the parson, vicar, or curate of the parish, or (if there be none, or he be wilful) of the next parish; and if the sickness continues above eight days, the licence shall be registred in the church book, with the knowledge of a churchwarden; and the curate shall have 4 d. for entry; and the same to endure no longer than such sickness.

And no licence shall extend to the eating any beef at any time of the year, nor veal from *Sep. 29.* to *May 1.* in any year.

And persons licensed (except for sickness) shall for every dish of flesh at their table, have one dish of sea fish.

Fers. See Extortion.

Felo de se. See Homicide.

Felony.

THE CHURCH

THE DAYS

The church is a building of stone and wood, with a steep roof and a tall steeple. It is a place of peace and quiet, where people come to pray and to hear the word of God. The church is a place of beauty and grace, where the light of God's love shines upon all who enter its doors. The church is a place of hope and faith, where the promises of God are made known to all who believe. The church is a place of love and kindness, where the hearts of men and women are drawn together in the name of Jesus Christ. The church is a place of strength and courage, where the power of God is made manifest to all who seek His face. The church is a place of joy and gladness, where the music of heaven is heard in the hearts of those who love Him. The church is a place of life and resurrection, where the power of God is made known to all who believe in the Son of God. The church is a place of peace and harmony, where the will of God is done on earth as it is in heaven. The church is a place of love and compassion, where the needs of the poor and the suffering are met with the hands of those who love Him. The church is a place of hope and faith, where the promises of God are made known to all who believe. The church is a place of love and kindness, where the hearts of men and women are drawn together in the name of Jesus Christ. The church is a place of strength and courage, where the power of God is made manifest to all who seek His face. The church is a place of joy and gladness, where the music of heaven is heard in the hearts of those who love Him. The church is a place of life and resurrection, where the power of God is made known to all who believe in the Son of God. The church is a place of peace and harmony, where the will of God is done on earth as it is in heaven. The church is a place of love and compassion, where the needs of the poor and the suffering are met with the hands of those who love Him.

Felony, Disposition of felony, and Theftbote.

I. Felony.

FELONY is generally supposed to come from the *Saxon* *fell*, which signifieth fierce, or cruel; of which the verb *fell* signifieth to throw down or demolish; and the substantive of that name is used to signify a mountain rough and uncultivated. But the same word, with a little variation, runneth through most of the *European* languages, and signifieth more generally an offence at large; and the *Saxon* word *fallan* signifieth to offend, and *fælnisse* an offence or *failure*: and although *felony*, as it is now become a technical term, signifieth in a more restrained sense an offence of an high nature, yet it is not limited to *capital* offences only, but still retaineth somewhat of this larger acceptation; for petit larceny is felony, altho' it is not capital.

It would swell this title near to the bigness of half the book, to set down every thing which may be comprehended under this word *felony*: therefore it is necessary to refer the consideration of the several particular kinds of felonies to their respective titles; as for instance, *Homicide*, *Robbery*, *Burglary*, *Rape*, *Coin*, *Forgery*, and many others; and especially the law relating to stolen goods of all kinds belongeth to title *Larceny*.

The method of bringing a felon to justice from the first commission of the felony, to his condemnation and execution, is treated of under the several titles of *Hue and cry*, *Arrest*, *Examination*, *Bail*, *Commitment*, *Gaol*, *Arraignment*, *Appeal*, *Indictment*, *Mute*, *Confession*, *Jurors*, *Evidence*, *Clergy*, *Judgment*, *Attainder*, *Forfeiture*, *Transportation*, *Execution*. And the course and whole procedure of trying an offender, is treated of under title *Sessions*.

So that there is nothing left for this place, but to take notice of one circumstance which is common to all felonies in general, and that is, concerning the charges of prosecution:

By the 3 *J. c. 10*. The felon shall pay the charges of his carrying to gaol, if able; to be levied by distress by warrant of one justice.

And by the statute of the 27 *G. 2. c. 3*. if he is not able, the same shall be paid, by order of such justice, by the treasurer out of the county rates; and in *Midsex* by the overseers of the poor where the party was apprehended.

And by the 25 *G. 2. c. 35*. the court, before whom any person hath been tried and convicted of any grand or petit larceny, or other felony, may at the prayer of the prosecutor, and on consideration of his circumstances, order the treasurer of the county in which the offence shall have been committed, to pay him such sum as they shall judge reasonable, not exceeding the expences he was put to in carrying on the prosecution, with a reasonable allowance for his time and trouble; and the clerk of as-

size or of the peace, shall forthwith make out such order, and deliver the same to the prosecutor, on paying 1 s. and the treasurer shall pay the same on sight, and be allowed the same in his accounts.

And by the aforesaid act of the 27 G. 2. c. 3. When any poor person shall appear on recognizance to give evidence, the court may order the treasurer to pay him such sum as they shall think reasonable, for his time, trouble, and expences; which order the proper officer shall make out for the fee of 6 d. Except in *Middlesex*, where the same shall be paid by the overseers of the poor where the person was apprehended.

II. Misprision of felony.

Misprision of felony (from the *French* word *mespris*, a neglect or contempt, 3 *Inst.* 36.) is the concealing of a felony which a man knows, but never consented to: for if he consented, he is either principal or accessory in the felony, and consequently guilty of misprision of felony and more. 1 *H. H.* 374.

For it is said, that every felony includes misprision of felony, and may be proceeded against as a misprision only, if the king pleases. 1 *Haw.* 125.

The punishment of misprision of felony in a common person, is fine and imprisonment; in an officer, as sheriff or bailiff of liberties, imprisonment for a year, and ransom at the king's pleasure, by the statute of 3 *Ed.* 1. c. 9.

If any person will save himself from the crime of misprision, he must discover the offence to a magistrate with all speed that he can. 3 *Inst.* 140.

Misprision, in a larger sense, is used to signify every considerable misdemeanor, which hath not a certain name given to it in the law.

III. Theftbote.

Theftbote (from the *Saxon* words *theft*, and *bote*, boot or amends) is, where one not only knows of a felony, but takes his goods again, or other amends, not to prosecute. 1 *Haw.* 125.

But the bare taking of one's own goods again, which have been stolen, is no offence, unless some favour be shewn to the thief. 1 *Haw.* 125.

This offence is very nearly allied to felony, and is said to have been anciently punished as such; but at this day it is punishable only with ransom and imprisonment, unless it were accompanied with some degree of maintenance given to the felon, which makes the party an accessory after the fact. 1 *Haw.* 125.

Feme covert. See **Wife**.

Fences. See **Wood**.

Fern. Burning of it in forests. See **Burning**.

Fire. See **Burning**.

[illegible]

14. 11. 1944

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very long letter, and it contains a great deal of information about the state of the country at that time. It is a very important document, and it is one of the most interesting documents in the collection.

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Fire in London.

THE acts relating thereto are,

6 An. c. 31.

7 An. c. 17.

11 G. c. 28.

Fireworks.

1. IT shall not be lawful for any person to make or cause to be made, or to sell or expose to sale, any squibs, rockets, serpents, or other fireworks, or any cases, moulds, or other implements for making the same; or to permit the same to be cast or fired from his house or other place thereto belonging, into any publick street or road; or to throw or fire, or be aiding in throwing or firing the same, in any publick street, house, shop, river, or highway; and every such offence shall be adjudged a common nuisance. 9 & 10 W. c. 7. f. 1.

2. And if any person shall make or cause to be made, or give, or offer to sale, any squibs, rockets, serpents, or other fireworks, or any cases, moulds, or other implements for making the same; he shall on conviction before one justice, or chief magistrate, by confession, or oath of two witnesses, forfeit 5 *l.* half to the poor, and half to the prosecutor; to be levied by distress, by warrant of such justice or chief magistrate. 9 & 10 W. c. 7. f. 2.

3. And if any person shall permit any the same to be cast or fired, from his house or other place thereto belonging, into any publick street or road, or any other house or place; he shall forfeit 20 *s.* in like manner. 9 & 10 W. c. 7. f. 2.

4. And if any person shall cast or fire, or be aiding in casting or firing any the same, into any publick street, house, shop, river or highway; he shall forfeit 20 *s.* in like manner: and if he shall not immediately on conviction pay to the justice the said forfeiture for the uses aforesaid, he shall commit him to the house of correction to be kept to hard labour for any time not exceeding one month, unless he shall sooner pay the forfeiture. 9 & 10 W. c. 7. f. 3.

5. But nothing herein shall extend to the officers of the ordnance, or artillery company. 9 & 10 W. c. 7. f. 4, 5.

Fish and fishing. See Game.

Fish salted. See Excise.

Flight. See Forfeiture.

Forcible

Forcible entry and detainer.

FORCE, in the common law, is most commonly taken in ill part, for unlawful violence. 1 *Inst.* 161.

It seems that at the common law, a man disseised of any lands or tenements, if he could not prevail by fair means, might lawfully regain the possession thereof by force, unless he were put to a necessity of bringing his action, by having neglected to re enter in due time: And it seems certain, that even at this day, he who is wrongfully dispossessed of his *goods*, may justify the retaking of them by force from the wrong doer, if he refuse to re deliver them; for the violence which happens thro' the resistance of the wrongful possessor, being originally owing to his own fault, gives him no just cause of complaint, inasmuch as he might have prevented it by doing as he ought. 1 *Haw.* 140.

But this indulgence of the common law, in suffering persons to regain the lands they were unlawfully deprived of, having been found by experience to be very prejudicial to the publick peace, by giving an opportunity to powerful men under the pretence of feigned titles, forcibly to eject their weaker neighbours, and also by force to retain their wrongful possessions, it was thought necessary by many severe laws to restrain all persons from the use of such violent methods of doing themselves justice. 1 *Haw.* 141.

However even at this day, in an *action* of forcible entry grounded on those laws, if the defendant make himself a title which is found for him, he shall be dismissed without any inquiry concerning the force; for howsoever he may be punishable *at the king's suit*, for doing what is prohibited by statute, as a contemner of the laws, and disturber of the peace, yet he shall not be liable to pay any damages for it to the plaintiff, whose injustice gave him the provocation in that manner to right himself. 1 *Haw.* 141.

Since therefore offences of this nature are made such, not by the common law, but by statute (after having premised, that *they who keep possession with force, in lands and tenements, whereof they or their ancestors, or they whose estate they have in the same, have continued their possession in the same, by three whole years next before without interruption, shall not be indamaged by force of any of the statutes concerning forcible entry*, 8 H. 6. c. 9. f. 7. 1 *Haw.* 152.) I shall consider those several statutes, with the interpretation that hath been put upon them, under the following heads:

[illegible][illegible]

1. The first principle is that the earth is a sphere.

2. The second principle is that the earth is composed of various elements.

3. The third principle is that the earth is covered by a thin layer of water.

4. The fourth principle is that the earth is divided into various regions.

5. The fifth principle is that the earth is subject to various changes.

6. The sixth principle is that the earth is subject to various forces.

7. The seventh principle is that the earth is subject to various laws.

8. The eighth principle is that the earth is subject to various principles.

9. The ninth principle is that the earth is subject to various rules.

10. The tenth principle is that the earth is subject to various regulations.

11. The eleventh principle is that the earth is subject to various orders.

12. The twelfth principle is that the earth is subject to various decrees.

13. The thirteenth principle is that the earth is subject to various edicts.

14. The fourteenth principle is that the earth is subject to various laws.

15. The fifteenth principle is that the earth is subject to various regulations.

16. The sixteenth principle is that the earth is subject to various orders.

17. The seventeenth principle is that the earth is subject to various decrees.

18. The eighteenth principle is that the earth is subject to various edicts.

19. The nineteenth principle is that the earth is subject to various laws.

20. The twentieth principle is that the earth is subject to various regulations.

21. The twenty-first principle is that the earth is subject to various orders.

22. The twenty-second principle is that the earth is subject to various decrees.

23. The twenty-third principle is that the earth is subject to various edicts.

24. The twenty-fourth principle is that the earth is subject to various laws.

25. The twenty-fifth principle is that the earth is subject to various regulations.

26. The twenty-sixth principle is that the earth is subject to various orders.

27. The twenty-seventh principle is that the earth is subject to various decrees.

28. The twenty-eighth principle is that the earth is subject to various edicts.

29. The twenty-ninth principle is that the earth is subject to various laws.

30. The thirtieth principle is that the earth is subject to various regulations.

31. The thirty-first principle is that the earth is subject to various orders.

32. The thirty-second principle is that the earth is subject to various decrees.

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34. The thirty-fourth principle is that the earth is subject to various laws.

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38. The thirty-eighth principle is that the earth is subject to various edicts.

39. The thirty-ninth principle is that the earth is subject to various laws.

40. The fortieth principle is that the earth is subject to various regulations.

I. What is a forcible entry.

II. What is a forcible detainer.

III. How the same are punishable by action at law.

IV. How punishable at the general sessions.

V. How punishable by one justice.

VI. How punishable on a certiorari.

VII. How punishable as a riot.

I. What is a forcible entry.

By the 5 R. 2. c. 8. *None shall make any entry into any lands or tenements (or benefices of holy church, 15 R. 2. c. 2. or other possessions, 8 H. 6. c. 9. s. 2.) but where entry is given by the law; and in such case not with strong hand, nor with multitude of people, but only in peaceable and easy manner; on pain of imprisonment and ransom at the king's will.*

Or other possessions] It seems clear, that no one can come with- in the danger of these statutes, by a violence offered to another in respect of a way, or such like easement, which is no possession. And there seems to be no good authority, that an indictment will lie in this case for a common, or office. 1 Harv. 146.

Not with strong hand, nor with multitude of people] It seems certain, that if one who pretends a title to lands, barely go over them, either with or without a great number of attendants, armed or unarmed, in his way to the church or market, or for such like purpose, without doing any act, which either expressly or impliedly amounts to a claim of such lands, he cannot be said to make an entry thereinto. 1 Harv. 144.

But it seemeth, that if a person enter into another man's house, or ground, either with apparent violence offered to the person of any other, or furnished with weapons, or company, which may offer fear, tho' it be but to cut, or take away another man's corn, grafs, or other goods, or to fell or crop wood, or do any other like trespass, and tho' he do not put the party out of his possession, yet it seemeth to be a forcible entry. *Dalt. c. 126.*

But if the entry were peaceable, and after such entry made, they cut or take away any other man's corn, grafs, wood, or other goods, without apparent violence or force; tho' such acts are counted a disseisin with force, yet they are not punishable as forcible entries. *Dalt. c. 126.*

But if he enter peaceably, and there shall by force or violence cut or take away any corn, grafs, or wood, or shall forcibly or wrongfully carry away any other goods there being; this seemeth to be a forcible entry punishable by these statutes. *Dalt. c. 126.*

So also shall those be guilty of a forcible entry, who having an estate in land, by a defeasible title, continue with force in the pos- session

session thereof, after a claim made by one who had a right of entry thereto. 1 *Haw.* 145.

But he who barely agrees to a forcible entry made to his use, without his knowledge or privity, shall not be adjudged to make an entry within these statutes, because he no way concurred in, or promoted the force. 1 *Haw.* 145.

And, in general, it seemeth clear, that to denominate the entry forcible, it ought to be accompanied with some circumstances of actual *violence*, or *terror*; and therefore that an entry which hath no other force than such as is implied by the law, in every trespass whatsoever, is not within these statutes. 1 *Haw.* 145.

As to the matter of *violence*; it seems to be agreed, that an entry may be forcible, not only in respect of a violence actually done to the person of a man, as by beating him if he refuse to relinquish his possession, but also in respect of any other kind of violence in the manner of the entry, as by breaking open the doors of a house, whether any person be in it or not, especially if it be a dwelling house, and perhaps also by any act of outrage after the entry, as by carrying away the party's goods; but it seems that an entry is not forcible, by the bare drawing up a latch, or pulling back the bolt of a door, there being no appearance therein of being done by *strong hand*, or *multitude of people*; and it hath been holden, that an entry into a house thro' a window, or by opening a door with a key, is not forcible. 1 *Haw.* 145.

In respect of the circumstances of *terror*; it is to be observed, that wherever a man, either by his behaviour or speech, at the time of his entry, gives those who are in possession just cause to fear, that he will do them some bodily hurt, if they will not give way to him, his entry is esteemed forcible, whether he cause such a terror, by carrying with him such an unusual number of attendants, or by arming himself in such a manner, as plainly intimates a design, or by actually threatening to kill, maim, or beat those who shall continue in possession, or by giving out such speeches, as plainly imply a purpose of using force, as if one say that he will keep his possession in spite of all men, or the like. 1 *Haw.* 145.

But it seems that no entry shall be judged forcible, from any threatening to spoil another's *goods*, or to destroy his cattle, or to do him any other such like damage, which is not personal. 1 *Haw.* 146.

However it is clear, that it may be committed by a single person, as well as by twenty. 1 *Haw.* 146.

But nevertheless all those who accompany a man, when he makes a forcible entry, shall be adjudged to enter with him, whether they actually come upon the lands or not. 1 *Haw.* 144.

II. What is a forcible detainer.

It seemeth certain, that the same circumstances of violence or terror which will make an entry forcible, will make a detainer forcible

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forcible also. And a detainer may be forcible, whether the entry were forcible or not. 1 *Haw.* 146.

III. How they are punishable by action at law.

If any person be put out or disseised of any lands or tenements in forcible manner, or put out peaceably, and after holden out with strong hand; the party grieved shall have assize of novel disseisin, or a writ of trespass against the disseisor; and if he recovers, he shall have treble damages, and the defendant moreover shall make fine and ransom to the king. 8 H. 6. c. 9. s. 6.

The party grieved shall have assize &c.] But this action, being at the suit of the party, and only for the right, is only where the entry of the defendant was not lawful; for if a man entred with force, where his entry is lawful, he shall not be punished by way of action; but yet he may be indicted upon the statute, for the indictment is for the force, and for the king, and he shall make fine to the king, altho' his right be never so good. *Dalt.* c. 129.

Treble damages] And this he shall recover, as well for the mean occupation, as for the first entry: And albeit he shall recover treble damages, yet he shall recover costs, which shall be trebled also; for the word *damages* includeth costs of suit. 1 *Inst.* 257.

IV. How punishable at the general sessions.

The party grieved, if he will lose the benefit of his treble damages and costs, may be aided and have the assistance of the justices at the general sessions, by way of indictment (A) on the statute of 8 H. 6. Which being found there, he shall be restored to his possession, by a writ of restitution granted out of the same court to the sheriff. *Dalt.* c. 129.

In the caption of which indictment, it will be sufficient to say, *justices assigned to keep the peace of our lord the king*, without shewing that they have authority to hear and determine felonies and trespasses; for the statute enables all justices of the peace, as such, to take such indictments. 1 *Haw.* 147.

And the tenement in which the force was made, must be described with convenient certainty; and must set forth that the defendant actually entred; and ousted the party grieved; and continueth his possession at the time of finding the indictment; otherwise he cannot have restitution, because it doth not appear that he needeth it. 1 *Haw.* 147, 149, 150.

But if a man's wife, children, or servants do continue in the house or upon the land, he is not ousted of his possession; but his cattle being upon the ground, do not preserve his possession. *Dalt.* c. 132.

An indictment for forcible entry was quashed, for not setting forth, that the party was seised or disseised, or what estate he had in the tenement; for if he had only a term for years, then the entry

entry must be laid, into the freehold of *A.* in the possession of *B.*
3 Salk. 169.

V. How punishable by one justice.

1. For a more speedy remedy, the party grieved may complain to any one justice; or to a mayor, sheriff, or bailiff, within their liberties. 8 H. 6. c. 9.

2. But altho' one justice alone may proceed in such cases, yet it may be advisable for him, if the time for viewing the force will suffer it, to take to his assistance one or two more justices.

3. Concerning which power of one justice, it is enacted as follows:

After complaint made to such justice, by the party grieved, of a forcible entry made into lands, tenements, or other possessions, or forcible holding thereof, he shall within a convenient time, at the costs of the party grieved (without any examining or standing upon the right or title of either party) take sufficient power of the county, and go to the place where such force is made. 15 R. 2. c. 2. 8 H. 6. c. 9. f. 2. Dalt. c. 44.

Complaint — by the party grieved] Yet these words do not enforce any necessity of such a complaint; for it is holden, that the justice may and ought to proceed, upon any information or knowledge thereof whatsoever, tho' no complaint at all be brought unto him, by any party grieved thereby. Lamb. 147.

Power of the county] All people of the county, as well the sheriffs as other, shall be attendant on the justices, to arrest the offenders; on pain of imprisonment and fine to the king. 15 R. 2. c. 2.

4. And if the doors be shut, and they within the house shall deny the justice to enter, it seems he may break open the house, to remove the force. Dalt. c. 44.

5. And if after such entry made, the justice shall find such force; he shall cause the offenders to be arrested. 15 R. 2. c. 2. 8 H. 6. c. 9. f. 2.

6. He shall also take away their weapons and armour, and cause them to be appraised, and after to be answered to the king as forfeited, or the value thereof. 2 Ed. 3. c. 3.

7. Also such justice ought to make a record (*B*) of such force by him viewed; which record shall be a sufficient conviction of the offenders, and the parties shall not be allowed to traverse it: And this record, being made out of the sessions, by a particular justice, may be kept by him; or he may make it indented, and certify the one part into the king's bench, or leave it with the clerk of the peace; and the other part he may keep himself. For this view of the force by the justice, being a judge of record, maketh his record thereof, in the judgment of the law, as strong and effectual, as if the offenders had confessed the force before him; and touching the restraining of traverse, more effectual, than if the force had been found by a jury, upon the evidence of others. (That is,

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as to the fine and imprisonment, but not as to restitution.) 15 R. 2. c. 2. *Dalt. c. 44.*

8. And the offenders, being arrested (as before is said), *shall be put in the next gaol (C) there to abide convict by the record of the same justice, until they have made fine and ransom to the king.* 15 R. 2. c. 2.

Shall be put in the next gaol] It is said, that the justice hath no power to commit the offender to gaol, unless he do it upon his own view of the fact, and not upon the jury finding the same afterwards. *Dalt. c. 44. 1 Harv. 142.*

And if such offenders, being in the house at the coming of the justice, shall make no resistance, nor make shew of any force, then the justice cannot arrest or remove them at all upon such view: *Dalt. c. 44.*

But howsoever, if the force be found afterwards, by the inquiry of the jury, the justice may bind the offenders to the peace; and if they be gone, he may make his warrant to take them, and may after send them to the gaol, until they have found sureties for the peace. *Dalt. c. 44.*

Note; Mr. Dalton in this place says *good behaviour*, which I have presumed to alter to *the peace*, as deeming it much the safer; and not being sufficiently satisfied concerning the power of a justice of the peace to bind to the good behaviour in the like cases, which power Mr. Dalton hath enlarged more than all other authors, without any assistance from the commission of the peace, or any act of parliament, other than had been for above 200 years before.

Until they have made fine] H. 1 G. 2. K. and Sir Edm. Ellerswel. He was brought up upon a *habeas corpus*, with a return of the cause of his commitment, which was upon a conviction of forcible entry and detainer. And it being moved to discharge him upon exceptions to the commitment, the court refused to enter into the consideration of them, till the conviction was likewise regularly removed before them. But by consent he was bailed in the mean time. And this term the conviction being before the court, it appeared that there was no fine set by the justices, and it was therefore moved to be quashed. It was agreed on both sides, that there should be a fine; but it was insisted, that it being now before the king's bench by a *certiorari*, they might set the fine. But by the court, We are not to execute the judgment of an inferior court. The conviction is to be upon view, and they who view the nature of the force are the properest judges what fine to set; and though a *certiorari* should come before the fine is set, yet it would be no contempt in the justices to compleat their judgment by setting one. *Lambard* indeed was of opinion, that the justices could not set the fine at all; but upon what foundation we can never imagine. The justices are not bound to do it upon the spot, but may take a reasonable time to consider of the fine; because by the words of the act, the commitment is to be, till he has paid the fine. The conviction must be quashed,

and the defendant discharged. *Str.* 794. *L. Raym.* 1515. *Scff. C. V.* 1. 289.

And the same was likewise solemnly resolved in *Leighton's* case; and that the justice may assess the same, either before the conviction or after. *1 Haw.* 142.

And the fine must be assessed upon every offender severally, and not upon them jointly; and the justice ought to estreat the fine, and to send the estreat into the exchequer, that from thence the sheriff may be commanded to levy it for his majesty's use. *Dalt.* c. 44.

But upon payment of the fine to the sheriff, or upon sureties found (by recognizance) for the payment thereof, it seemeth that the justice may deliver the offenders out of prison again at his pleasure. *Dalt.* c. 44.

9 And so much concerning removing the force: But the party ousted cannot be restored to his possession by the justice's view of the force; nor unless the same force be found by the inquiry of a jury.

Concerning which it is enacted as follows: *And tho' that the persons making such entry be present, or else departed before the coming of the justice; he may notwithstanding in some good town next to the tenements so entred, or in some other convenient place by his discretion (and that, tho' he go not to see the place where the force is; Dalt. c. 44.) have power to inquire by the people of the county, as well of them that make such forcible entry, as of them which hold the same with force.* *8 H. 6. c. 9. f. 3.*

10. In order to which, the justice shall make his precept (D) to the sheriff, commanding him in the king's behalf, to cause to come before him, sufficient and indifferent persons, dwelling next about the lands so entred, to inquire of such entries; whereof every man shall have lands or tenements of 40s. a year, above reprises. And the sheriff shall return issues on every of them, at the day of the first precept returnable 20s. and at the second day 40s. and at the third day 100s. and at every day after double. And the sheriff making default, shall on conviction before the same justice, or before the judge of assize, forfeit 20l. half to the king, and half to him who shall sue, with costs; and moreover shall make fine and ransom to the king. *8 H. 6. c. 9. f. 4, 5.*

Before the same justice] And the justice may proceed against the sheriff for this default, either by bill at the suit of the party, or by indictment at the suit of the king. *Dalt.* c. 44.

11. And the defendant also, if he is not present, ought to be called to answer for himself; for it is implied by natural justice, in the construction of all laws, that no one ought to suffer any prejudice thereby, without having first an opportunity of defending himself. *1 Haw.* 154.

12. And it seems to be settled at this day, that if the defendant tender a traverse of the force, the justice ought not to make any restitution, till the traverse be tried. *1 Haw.* 154.

13. The defendant may also by the 31 *El. c. 11.* plead three years possession; whereby it is enacted, that no restitution upon an indictment

indictment of forcible entry, or holding with force, shall be made, if the person indicted have had the occupation, or been in quiet possession for three years together next before the indictment found, and his estate therein not determined; and restitution shall stay till that be tried: and if it is found against the party indicted, he shall pay such costs and damages as the judges or justices shall assess; to be recovered as costs and damages in judgments on other actions.

And it hath been holden, that the plea of such possession is good, without shewing under what title, or of what estate such possession was; because it is not the title, but the possession only, which is material in this case. 1 Haw. 152.

14. And it was holden by the court in *Leighton's case*, that if the defendant shall either traverse the entry or the force, or plead that he has been three years in possession, the justice may summon a jury for the trial of such traverse, for it is impossible to determine it upon view; and if the justice have no power to try it, it would be easy for any one to elude the statute by the tender of such a traverse, and therefore by a necessary construction the justice must needs have this power as incidental to what is expressly given him. 1 Haw. 142.

15. And this traverse must be tendred in writing, and not by a bare denial of the fact in words; for thereupon a *venire facias* must be awarded, a jury returned, the issue tried, a verdict found, and judgment given, and costs and damages awarded; and there must be a record, which must be in writing, to do all this; and not a verbal plea. *Dalt. c. 133.* 1 Haw. 154.

16. Upon which traverse tendred, the justice shall cause a new jury to be returned by the sheriff, to try the traverse; which may be done the next day, but not the same day. *Dalt. c. 133.*

17. And it seemeth, that he who tendreth the traverse, shall bear all the charges of the trial; and not the king, or the party prosecuting. *Dalt. c. 133.*

18. And if such forcible entry or detainer be found (E) before such justice, then the said justice shall cause to reſeise (F) the lands and tenements so entred or holden, and shall restore the party put out, to the full possession of the same. 8 H. 6. c. 9. f. 3.

The said justice] It seems to be agreed, that no other justices of the peace, except those before whom the indictment shall be found, shall have any power either at the sessions or out of it, to make any award of restitution. 1 Haw. 152.

Shall cause to reſeise] And the justice may break open the house by force, to reſeise the same; and so may the sheriff do, having the justice's warrant. *Dalt. c. 44.*

Reſeise] That is, shall remove the force, by putting out all such offenders as shall be found in the house, or upon the lands, that entred or held with force. *Dalt. c. 130.*

And shall restore the party put out] And this he may do in his own proper person; or he may make his warrant to the sheriff to do it. *Dalt. c. 44.* 1 Haw. 151, 2.

19. And by 21 f. c. 15. it is enacted, that such judges, justices, or justice of the peace, as may give restitution unto tenants of any estate of freehold, may give the like unto tenants for term of years, tenants by copy of court roll, guardians by knight's service, tenants by elegit, statute merchant and staple, of lands or tenements by them so holden, which shall be entred upon by force, or holden from them by force.

V I. How punishable on a certiorari.

Although regularly the justices only who were present at the inquiry, and when the indictment was found, ought to award restitution; yet if the record of the presentment or indictment shall be certified by the justice or justices into the king's bench. or the same presentment or indictment be removed and certified thither by *certiorari*, the justices of that court may award a writ of restitution to the sheriff, to restore possession to the party expelled: for the justices of the king's bench have a supreme authority in all cases of the crown. *Dalt. c. 44.*

Also where upon a removal of the proceedings into the king's bench the conviction shall be quashed, the court will order restitution to the party injured. As in the case of *K. and Jones, M. 8 G.* A conviction of forcible entry was quashed for the old exception of *messuage* or *tenement*, by reason of the uncertainty; but the restitution was opposed, on an affidavit that the party's title (which was by lease) was expired since the conviction. But the court said, they had no discretionary power in this case, but were bound to award restitution on quashing the conviction. *Str. 474.*

V II. How punishable as a riot.

If a forcible entry or detainer shall be made by three persons or more, it is also a riot, and may be proceeded against as such, if no inquiry hath before been made of the force. *Dalt. c. 44.*

A. Indictment for a forcible entry and detainer at common law.

Westmorland. **T**HE jurors for our lord the king upon their oath present, that A. O. late of _____ in the county aforesaid, gentleman, and B. O. late of the same, yeoman, together with divers other malefactors and disturbers of the peace of our said lord the king (whose names to the jurors aforesaid are yet unknown) on the _____ day of _____ in the _____ year of the reign of _____ with force and arms, at _____ aforesaid, in the county aforesaid, unlawfully and injuriously did enter into a certain barn and a certain orchard, then and there being in the possession of one A. I. and that the said A. O. and B. O. together with the said other malefactors, then and there, with force and arms, unlawfully and injuriously did expel, amove, and put out the said A. I. from the

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of subscribers. The names are written in a cursive hand, and the addresses are listed below them. The list is organized in a columnar fashion, with names in the first column and addresses in the second column.

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the possession of the said barn and orchard, and the said A. I. so as aforesaid expelled, amoved, and put out from the possession of the said barn and orchard, then and there, with force and arms, unlawfully and injuriously did keep out, and still do keep out, to the great damage of him the said A. I. and against the peace of our said lord the king, his crown and dignity.

Indictment on the statute.

Westmorland. **T**HE jurors for our lord the king upon their oath present, that A. I. late of the parish of _____ in the county aforesaid, gentleman, on the _____ day of _____ in the _____ year of the reign of _____ was possessed of a certain messuage, with the appurtenances, situate, lying, and being in _____ in the parish aforesaid, in the county aforesaid, for a certain term of years, then and still to come, and unexpired, and being so possessed thereof, one A. O. late of _____ in the said county, yeoman, afterwards, to wit, the said _____ day of _____ in the year aforesaid, into the said messuage, with the appurtenances aforesaid, in _____ aforesaid, in the parish and county aforesaid, with force and arms, and with strong hand, unlawfully did enter, and the said A. I. from the peaceable possession of the said messuage, with the appurtenances aforesaid, then and there with force and arms, and with strong hand, unlawfully did expel and put out, and the said A. I. from the possession thereof, so as aforesaid, with force and arms, and with strong hand, being unlawfully expelled and put out, the said A. O. him the said A. I. from the aforesaid _____ day of _____ in the year aforesaid, until the day of the taking this inquisition, from the possession of the said messuage, with the appurtenances aforesaid, with force and arms, and with strong hand, unlawfully and injuriously then and there did keep out, and still doth keep out, to the great damage of the said A. I. against the peace of our said lord the king, and against the form of the statutes in that case made and provided.

Note; If it is a freehold, then the party must be said to be *seised* thereof in his demesne as of fee; and consequently he must be thereof *disseised*: otherwise if it is of a lesser estate, of which he is not properly said to be *seised*, but possessed thereof, at the will of the lord, according to the custom of the manor, or the like, and then he must be *expelled*, *ejected*, *amoved*, or the like.

B. Record of a forcible detainer upon view.

Note, That the books upon the office of a justice of the peace do generally set forth, that the record ought to be in the present tense, and not in the time past (and herewith do accord the adjudged cases in the court of king's bench, *Str.* 443.); yet nevertheless they do all exhibit the form of a record in the time past, and not in the present: Therefore I have taken the liberty to alter the same, from the record in *L. Raymond* of the conviction of

Forcible entry and detainer.

Sir Edm. Elwell aforesaid, and others; adding the fine thereunto, for the want of which that conviction was quashed. And I have given the form of a record of a forcible *detainer*, rather than of a forcible *entry*, because the justice for the most part cannot be supposed to be present at the entry, as not having knowledge thereof until after the entry is made.

Kent, **B**E it remembered, that on the 15th day of Sep. in the to wit. **B** first year of the reign of our sovereign lord George the second of Great Britain, France, and Ireland, king, defender of the faith, and so forth, at Beckingham in the county of Kent aforesaid, Eliz. Elwell complained to us E. B. P. B. and W. P. three of the justices of our said lord the king assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, that Sir Edm. Elwell, late of London, baronet, I. B. and D. M. into the messuage of her the said E. E. being the mansion house of her the said E. E. called Langley house, situate within the parish of Beckingham aforesaid, did enter, and her the said E. E. of the messuage aforesaid, whereof the same E. E. at the time of the entry aforesaid was seized as of the freehold of her the said E. E. for the term of her life, unlawfully ejected, expelled, and removed, and the said messuage from her the said El. E. unlawfully, with strong hand and armed power, do yet hold and from her detain, against the form of the statute in such case made and provided; whereupon the same El. E. then, to wit, on the said 15th day of Sep. at the parish of B aforesaid, prayeth of us, so as aforesaid being justices, to her in this behalf that a due remedy be provided, according to the form of the statute aforesaid: Which complaint and prayer by us the aforesaid justices being heard, we the aforesaid E. B. baronet, P. B. and W. P. esquires, justices aforesaid, to the messuage aforesaid personally have come, and do then and there find and see the aforesaid Edm. E. I. B. and D. M. the aforesaid messuage, with force and arms, unlawfully, with strong hand and armed power, detaining, against the form of the statute in such case made and provided, according as she the same El. E. so as is aforesaid hath unto us complained: Therefore it is considered by us the aforesaid justices, that the aforesaid Edmund Elwell, Joseph Billers, and Daniel Monty, of the detaining aforesaid with strong hand, by our own proper view then and there as is aforesaid had, are convicted, and every of them is convicted, according to the form of the statute aforesaid; Whereupon we the justices aforesaid, upon every of the aforesaid Ed. E. J. B. and D. M. do set and impose severally a fine of 10l. of good and lawful money of Great Britain, to be paid by them and every of them severally to our said sovereign lord the king, for the said offences; and do cause them, and every of them, then and there to be arrested; and the same Ed. E. J. B. and D. M. being convicted, and every of them being convicted upon our own proper view, of the detaining aforesaid, with strong hand as is aforesaid, by us the aforesaid justices are committed, and every of them is committed, to the gaol of our said lord the king, at Maidstone in the county of Kent aforesaid, being the next gaol to the messuage aforesaid,

THE HISTORY OF THE

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said, there to abide respectively, until they shall have paid their said several fines respectively, to our said lord the king, for their respective offences aforesaid. Concerning which the premises aforesaid, we do make this our record. In witness whereof, we the aforesaid E. B. baronet, P. B. and W. P. esquires, the justices aforesaid, to this record our hands and seals do set, at the parish of B. aforesaid, in the county of Kent aforesaid, on the 15th day of Sep. in the first year aforesaid of the reign of our said sovereign lord the now king.

E. Bettenfon.

P. Burrel.

W. Passenger.

C. Mittimus for forcible detainer.

Westmorland. **E**DWARD Hassel, esquire, one of the justices of our sovereign lord the king's majesty, assigned to keep the peace within the said county of W. and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed; To the keeper of his majesty's gaol at ——— in the said county, and to his deputy and deputies there, and to every of them, greeting. Whereas upon complaint made unto me this present day, by A. I. of ——— in the said county, yeoman, I went immediately to the dwelling house of the said A. I. at ——— aforesaid in the said county, and there found A. O. late of ——— labourer, B. O. late of the same, weaver, and C. O. late of ——— butcher, forcibly, with strong band and armed power, holding the said house, against the peace of our said lord the king, and against the form of the statute in such case made and provided: Therefore I send you, by the bringers bereof, the bodies of the said A. O. B. O. and C. O. convicted of the said forcible holding, by mine own view, testimony, and record; commanding you in his said majesty's name, to receive them into your said gaol, and there safely to keep them, and every of them respectively, until they shall have respectively paid the several sum of 10l. of good and lawful money of Great Britain, to our said sovereign lord the king, which I have set and imposed upon every of them separately, for a fine and ransom for their said trespasses respectively. Herein fail you not, at the peril that may follow thereof. Given at ——— aforesaid, in the county aforesaid, under my seal, the ——— day of ——— in the ——— year of the reign of our said sovereign lord king George the second.

Note; By the forms in all the books, all the offenders stand committed until all have paid, so as that the first shall not be discharged on payment of his own fine, but continue until all the rest have paid likewise; which seems unreasonable, and is not warranted by the statute.

Forcible entry and detainer.

D. Precept to the sheriff to return a jury.

Westmorland. **H**ENRY Aglionby, *esquire, one of the justices of our lord the king, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed; To the sheriff of the said county, greeting: On behalf of our said lord the king, I command you, that you cause to come before me at ——— in the county aforesaid, on the ——— day of ——— next ensuing, twenty-four sufficient and indifferent men, of the neighbourhood of ——— aforesaid, in the county aforesaid, every of whom shall have lands or tenements of 40s. yearly at the least, above reprises, to inquire upon their oaths for our said lord the king, of a certain entry made with strong hand (as it is said) into the messuage of one A. I. at ——— aforesaid, in the county aforesaid, against the form of the statute in such case made and provided. And you are to return upon every of the jurors by you in this behalf to be impanelled, 20s. of issues at the aforesaid day. And have you then there this precept. And this you shall in no wise omit, upon the peril that shall thereof ensue. Witness the said J. P. at ——— in the county aforesaid, the ——— day of ——— in the ——— year of the reign of ———.*

The jurors oath.

YOU shall true inquiry and presentment make of all such things as shall come before you, concerning a forcible entry [or, detainer] said to have been lately committed in the dwelling house of ——— yeoman, at ——— in this county; you shall spare no one for favour or affection, nor grieve any one for hatred or ill-will, but proceed herein according to the best of your knowledge, and according to the evidence that shall be given to you: So help you god.

The oath that A. F. your foreman hath taken on his part, you and every of you shall truly observe and keep on your parts: So help you god.

E. The inquisition, indictment, or finding of the jury.

Westmorland. **A**N inquisition for our sovereign lord the king, indented and taken at ——— in the said county, the ——— day of ——— in the ——— year of the reign of ——— by the oaths of ——— good and lawful men of the said county, before J. P. *esquire, one of the justices of our said lord the king, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the same county committed, who say upon their oaths aforesaid, that A. I. of ——— aforesaid, yeoman, long since lawfully and peaceably was seized in his demesne as of fee* [if it is not freehold, then say,

THE HISTORY OF THE UNIVERSITY OF CAMBRIDGE

...the year 1222, when the university was first established, the king of France, Philip Augustus, granted a charter of privilege to the university, which was confirmed by the pope and the king of England. This charter gave the university the right to elect its own officers and to hold its own courts. It also gave the university the right to receive students from all parts of the world. The university was then divided into four colleges, which were named after the four cardinal virtues: Wisdom, Justice, Fortitude, and Temperance. These colleges were the first of the many colleges that were founded in the university over the centuries. The university continued to grow and to flourish, and it became one of the most important centers of learning in the world. It was the university that produced many of the great thinkers and scholars of the Middle Ages, and it was the university that laid the foundation for the modern university system. The university of Cambridge is still one of the most important and most prestigious universities in the world, and it continues to play a leading role in the advancement of knowledge and the education of the young.

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say, possessed] of and in one messuage, with the appurtenances, in _____ aforesaid, in the county aforesaid, and his said possession [and seisin] so continued until A. O. late of _____ yeoman, B. O. late of the same, yeoman, and C. O. late of the same, yeoman, and other malefactors unknown, the _____ day of _____ now last past, with strong hand and armed power, into the messuage aforesaid, with the appurtenances aforesaid, did enter, and him the said A. I. thereof disseised, and with strong hand expelled; and him the said A. I. so disseised and expelled from the said messuage with the appurtenances aforesaid, from the said _____ day of _____ until the day of the taking of this inquisition, with like strong hand and armed power did keep out, and do yet keep out, to the great disturbance of the peace of our said lord the king, and against the form of the statute in such case made and provided.

We whose names are hereunto set, being the jurors aforesaid, do upon the evidences now produced before us, find the inquisition aforesaid true.

A. B.
C. D. &c.

F. Warrant to the sheriff for restitution.

Westmorland. **H**ENRY Fletcher, esquire, one of the justices of our sovereign lord the king, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed; To the sheriff of the said county, greeting: Whereas by an inquisition taken before me the justice aforesaid, at _____ in the county aforesaid, on this present _____ day of _____ in the _____ year of the reign of _____ upon the oaths of _____ and by virtue of the statutes made and provided in cases of forcible entry and detainer, it is found, that A. O. late of _____ yeoman, and B. O. late of _____ yeoman, on the _____ day of _____ now last past, into a certain messuage, with the appurtenances, of A. I. of _____ aforesaid, in the county aforesaid, gentleman, situate, lying, and being at _____ aforesaid, in the county aforesaid, with force and arms did enter, and him the said A. I. thereof then with strong hand did disseise and drive out, and him the said A. I. thus driven out from the aforesaid messuage with the appurtenances, from the _____ day of _____ aforesaid, to this present day of the taking of the said inquisition, with strong hand and armed force did keep out, and do yet keep out, as by the inquisition aforesaid more fully appeareth of record: Therefore on the behalf of our said sovereign lord the king, I charge and command you, that taking with you the power of the county (if it be needful) you go to the said messuage and other the premises, and the same with the appurtenances you cause to be resealed, and that you cause the said A. I. to be restored and put into his full possession thereof, according as he, before the entry aforesaid was seised, according to the form of the said statutes. And this you shall in no wise omit, on the penalty thereon incumbent. Given under my hand and seal at _____ in the said

*said county, the ——— day of ——— in the ——— year of the
reign of ———.*

Foreign Service.

Artificers.

1. **BY** the 5 G. c. 27. If any person shall contract with, entice, or endeavour to persuade any manufacturer or artificer in wool, iron, steel, brass, or any other metal, clockmaker, watchmaker, or any other artificer or manufacturer, to go out of this kingdom, into any foreign country out of his majesty's dominions, and shall (on prosecution in 12 months) be convicted thereof on indictment or information, in the courts at *Westminster*, assizes, or sessions of the county where the offence shall be committed; he shall for the first offence be fined not exceeding 100 *l.* and be imprisoned for three months, and until the fine be paid; for the second offence, shall be fined at the discretion of the court, and be imprisoned 12 months, and till the fine is paid. *f. 1, 2.*

And if any subject, being such artificer or manufacturer, shall go into any country out of his majesty's dominions, to exercise or teach any the said manufactories to foreigners, or if any subject who shall be in any such foreign country, and there exercising any the said manufactories, shall not return in six months next after warning be given him, by the ambassador, minister, or consul, or person authorized by him, or by a secretary of state, and from thenceforth continually inhabit within this realm; he shall be incapable of any legacy, or of being executor, or administrator, and of taking any lands, by descent, devise, or purchase, and forfeit his lands and goods, and be deemed an alien, and out of the king's protection. *f. 3.*

And on complaint on oath before a justice, that any person is endeavouring to seduce or draw away any such manufacturer or artificer, or that he hath contracted or is preparing to go out of the kingdom; he may issue his warrant to bring such person before him or some other justice; and if it shall appear to such justice, by confession, or the oath of one witness, that such person was guilty of any the said offences, he may bind him over to the next assizes or sessions, to answer the premises; and if he shall upon indictment be there convicted of any such promise or contract, or preparation to go abroad beyond the seas, he shall give such security not to depart out of the realm, as such court shall think reasonable, and be imprisoned until such security be given. *f. 4.*

And by the 23 G. 2. c. 13. If any person shall contract with, or endeavour to persuade or seduce any artificer in the manufactures of *Great Britain*, to go into any foreign country, not belonging to the crown of *Great Britain*; and shall be thereof convicted, in twelve months, in the king's bench, or at the assizes; he shall for every such person forfeit 500 *l.* and be imprisoned

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the first of these is the fact that the United States is a member of the United Nations, and the second is the fact that the United States is a member of the North Atlantic Treaty Organization.

It is also true that the United States is a member of the Organization for Economic Cooperation and Development, and the third is the fact that the United States is a member of the World Trade Organization.

It is also true that the United States is a member of the International Monetary Fund, and the fourth is the fact that the United States is a member of the World Bank.

It is also true that the United States is a member of the International Labor Organization, and the fifth is the fact that the United States is a member of the United Nations Educational, Scientific and Cultural Organization.

It is also true that the United States is a member of the World Health Organization, and the sixth is the fact that the United States is a member of the World Meteorological Organization.

It is also true that the United States is a member of the International Atomic Energy Agency, and the seventh is the fact that the United States is a member of the International Commission on the History and Archaeology of the Holocaust.

It is also true that the United States is a member of the International Commission on the History and Archaeology of the Holocaust, and the eighth is the fact that the United States is a member of the International Commission on the History and Archaeology of the Holocaust.

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prisoned in the common gaol for twelve months, and till payment of the forfeiture; and for a second or other subsequent offence, shall forfeit 1000*l.* and be imprisoned two years, and till payment. *f. 1, 2.*

And if any person shall put on board any vessel not bound directly to some of the *British* dominions, any tools or utensils, or part thereof, proper for either the woollen or silk manufactures; he shall forfeit the same, and 200*l.* *id. f. 3.*

And any officer of the customs may seize, and secure in some of the king's warehouses, all such tools and utensils as shall be found on board any such vessel; and the same, after condemnation, shall be publickly sold. *id. f. 4.*

And if the master or captain shall knowingly permit any the said tools or utensils to be put on board his ship; he shall forfeit 100*l.* and if it is a king's ship, he shall also forfeit his office, and be incapable of any office under the crown. *id. f. 5.*

And if any officer of the customs shall take any entry outward, or sign any sufferance for shipping or exporting any the said tools, or knowingly permit the same to be done; he shall forfeit 100*l.* and his office, and be incapable of any office under the crown. *id. f. 6.*

All which said penalties, on this act, shall be half to the king, and half to him that shall prosecute. *id. f. 7.*

2. By the 9 G. 2. c. 30. If any subject shall enlist, or enter *Soldiers.* himself; or if any person shall procure any subject to enlist or enter himself, or hire or retain any subject, with intent to cause him to enlist or enter himself; or procure any subject to go beyond the seas or imbarck with intent and in order to be enlisted to serve any foreign prince, state, or potentate, as a soldier, without the king's leave under his sign manual; he shall be guilty of felony without benefit of clergy. *f. 1.*

And offences committed out of the realm may be tried in any county in *England.* *f. 2.*

But if any person so enlisted, or inticed to go beyond the seas in order to be enlisted, as a non commission officer or private soldier, in any foreign service, shall in fourteen days voluntarily discover upon oath, before any justice or other civil magistrate, the person by whom he was enlisted or inticed, so as he be convicted; he shall be indemnified. *f. 3.*

Forestalling, ingrossing, and regrating.

Forestalling (*forestellan*, or *forestallan*) in the English Saxon Derivation. signifieth properly to market before the publick, or to prevent the publick market; and metaphorically, to intercept in general: and seemeth derived from *fore*, which is the same as *before*, and *stalle* a standing place or department; from whence sprang the ancient

cient word *stallage*, which signifieth money paid for erecting a stall or stand, for the selling of goods in a fair or market :

Ingrossing is from *in*, and *gross*, great or whole :

And *regrating*, from *re*, again, and the French *grater*, to grate or scrape ; and signifieth the scraping or dressing of cloth or other goods, in order for selling the same again.

I shall treat, first, concerning these offences at the common law ; and, secondly, concerning the same by statute.

I. Concerning these offences at common law.

These offences at
common law.

1. At the common law, all endeavours whatsoever to enhance the common price of any merchandize, and all kinds of practices which have an apparent tendency thereto, whether by spreading false rumours, or by buying things in a market before the accustomed hour, or by buying and selling again the same thing in the same market, or by any other such like devices, are highly criminal, and punishable by fine and imprisonment. 1 *Haw.* 234, 5.

2. By the common law, a merchant bringing victuals into the realm, may sell the same in gross ; but no person can lawfully buy within the realm any merchandize in gross, and sell the same in gross again, without being liable to be indicted for the same. 3 *Inst.* 196.

3. And the bare ingrossing of a whole commodity, with an intent to sell it at an unreasonable price, is an offence indictable at common law, whether any part thereof be sold by the ingrosser or not. 1 *Haw.* 235.

4. And so jealous is the common law of all practices of this kind, that it will not suffer corn to be sold in the sheaf ; perhaps for this reason, because by such means the market is in effect forestalled. 1 *Haw.* 235.

5. Anciently the ingrosser and regrater were comprehended under the word forestaller ; but now they are distinguished by the following statute.

By statute :

II. Concerning these offences by statute.

Forestalling,
what.

1. *Whoever shall buy, or cause to be bought, any merchandize, victual, or any other thing whatsoever, coming by land or by water toward any market or fair, to be sold in the same, or coming toward any city, port, haven, creek, or road, from any parts beyond the sea to be sold ; or make any bargain, contract or promise, for the having or buying the same, or any part thereof, so coming as is aforesaid, before the said merchandize, victuals, or other things shall be in the market, fair, city, port, haven, creek, or road, ready to be sold ; or shall make any motion by word, letter, message, or otherwise, to any person for the enhancing of the price, or dearer selling of any thing abovementioned ; or else dissuade, move, or stir any person coming to the market or fair, to abstain or forbear to bring or convey any of the things above rehearsed, to any market, fair, city, port,*

Journal of the Proceedings of the

1847

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Presbyterian Church of the United States
and of the Southern States
held at the City of Nashville, Tennessee,
in the year 1847.

By James H. Thompson, Secretary.

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port, haven, creek, or road to be sold, as aforesaid, — shall be deemed a forestaller. (A) 5 & 6 Ed. 6. c. 14. f. 1.

2. Whosoever shall ingross, or get into his hands by buying, con- Ingrossing, what.
tracting, or promise-taking, other than by demise or grant, or lease
of land or tythe, any corn growing in the fields, or any other corn or
grain, butter, cheese, fish, or other dead victuals whatsoever, to the
intent to sell the same again, shall be deemed an unlawful ingrosser.
(B) 5 & 6 Ed. 6. c. 14. f. 3.

And it is said not to be sufficient in an indictment or information,
to say that the defendant bought so much goods, but the
words of the statute are to be pursued, which are — shall ingross
or get into his hands by buying. But it is not necessary to set forth,
that the defendant did not come by it, by a demise of land, or
the like; but the defendant, if he have any such matter to al-
ledge, must give it in evidence. 1 Harw. 237, 238.

3. Whosoever shall by any means regrate, obtain, or get into his Regrating, what.
bands or possession, in a fair or market, any corn, wine, fish, but-
ter, cheese, candles, tallow, sheep, lambs, calves, swine, pigs,
geese, capons, hens, chickens, pigeons, conies, or other dead victual
whatsoever, that shall be brought to any fair or market to be sold,
and do sell the same again in any fair or market holden or kept
in the same place, or in any other fair or market within four
miles thereof, shall be deemed a regrater. (C) 5 & 6 Ed. 6.
c. 14. f. 2.

4. And if any shall be guilty of any the said offences, he shall Penalty.
for the first offence be imprisoned two months, and forfeit the value
of the goods; for the second offence, be imprisoned half a year,
and forfeit double value; and for the third offence, shall be set on
the pillory, forfeit all his goods, and be imprisoned during the
king's pleasure. 5 & 6 Ed. 6. c. 14. f. 4, 5, 6.

Half the said forfeitures to go to the king, and half to him that
will sue, in two years after the offence. *id.* f. 9, 14.

And the sessions may hear and determine the same, by inqui-
sition, presentment, bill, or information, and by examination of
two witnesses, and may make process thereupon, as tho' they
were indicted; and estreat the king's moiety, and award execution
of the other moiety for the party, by *fieri facias*, or *capias*, as
the courts at *Wistminster* may do. *id.* f. 10.

5. From hence it seems clearly to follow, as well as from the Form of the in-
dictment or in-
formation.
general rules of law, that no information for any of the said of-
fences against the said statute can be good, without shewing in
certain the quantity of the thing for which the penalty is sup-
posed to be incurred, not only because otherwise the judgment to
be given on such an information can never be pleaded in bar of
any other, because it cannot appear that both of them were
brought for the same thing; but also, because it cannot appear
to the court what forfeiture the defendant ought to incur, unless
the extent of the offence be specially set forth. 1 Harw. 238.

6. But nothing in the act abovementioned shall extend to the Exceptions and
limitations.
buying of any such thing (otherwise than by forestalling) by any
fishmonger, butcher, or poulterer, as concerns their trade, who
shall

shall sell the same again upon reasonable prices by retail; nor to the buying of wine, or other dead victual, by any innholder or victualler, to retail the same in his house; nor to the buying of any dried or salted fish (not forestalled), and sold for reasonable prices; nor to the buying of any corn, fish, butter, or cheese, by persons duly licensed, and not forestalling. 5 & 6 Ed. 6. c. 14. f. 7.

Neither shall it extend to wines, oils, sugars, spices, currans, nor other foreign victuals; fish and salt only excepted. 13 El. c. 25. f. 21.

And by the 15 C. 2. c. 7. When the quarter of wheat (*Winchester* measure) doth not exceed 48s. rye 32s. barley or malt 28s. buck wheat 28s. oats 13s. 4d. pease or beans 32s. any person (not forestalling, nor selling the same again in the same market in three months) may buy such corn, at or under such price, and lay it up, and sell the same again, without incurring any penalty. f. 4.

Also, it hath been resolved, that such *victual* only, as is necessary for the food of man, is within the aforesaid statute of 5 & 6 Ed. 6. and therefore that apples and cherries, and such like fruit are not: but that salt is a victual within the meaning of it. 1 *Haw.* 237.

Information may
be laid in any
county.

7. By 31 El. c. 5. which ordains that informations for offences against penal statutes, must be laid in the proper county, it is provided, that nevertheless an information on the said statute of Ed. 6. against forestalling, ingrossing, or regrating, where the penalty shall appear to be 20l. or above, may be laid out of the proper county, and in any other county at the pleasure of the informer.

A. Indictment for forestalling.

Westmorland. **T**HE jurors for our lord the king upon their oath present, that A. O. late of the parish of _____ in the county aforesaid, yeoman, on the _____ day of _____ in the _____ year of the reign of _____ at the parish aforesaid, in the county aforesaid, did buy and cause to be bought of and from one A. S. twenty oxen, for the sum of 200l. of lawful money of Great Britain, as he the said A. S. then and there was driving the said twenty oxen towards the market of M. to sell the said twenty oxen in the said market, and before the said twenty oxen were brought into the said market, where the same should be sold; in contempt of our said lord the king and his laws; to the evil example of all others in the like case offending, against the peace of our said lord the king, his crown and dignity, and against the form of the statute in that case made and provided.

Journal of the Proceedings of the

1841

of the General Assembly of the
Presbyterian Church of the United States
of America, held at the City of New York,
from the 1st to the 10th of May, 1841.

By James H. Thompson, Secretary.

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1841

THE HISTORY OF THE
CITY OF BOSTON
FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
BY
JOHN H. COLEMAN
OF THE CITY OF BOSTON

VOLUME I
FROM THE FIRST SETTLEMENT
TO THE YEAR 1700
BY
JOHN H. COLEMAN
OF THE CITY OF BOSTON

PUBLISHED BY
JOHN H. COLEMAN
OF THE CITY OF BOSTON

B. Indictment for ingrossing.

Westmorland. **T**HE jurors for our lord the king upon their oath present, that A. O. late of _____ in the county aforesaid, yeoman, on the _____ day of _____ in the _____ year of the reign of _____ at _____ aforesaid, in the county aforesaid, did ingross and get into his hands, by buying of and from one A. S. 50 quarters of wheat, to the intent to sell the same again; to the evil example of all others in the like case offending, against the peace of our said lord the king, his crown and dignity, and against the form of the statute in that case made and provided.

C. Indictment for regrating.

Westmorland. **T**HE jurors for our lord the king upon their oath present, that A. O. late of the parish of _____ in the county aforesaid, yeoman, on the _____ day of _____ in the _____ year of the reign of _____ at the parish aforesaid, in the county aforesaid, to wit, in a certain market then and there holden, did buy, obtain, and get into his hands and possession ten geese and twenty chickens, of and from one A. S. for the sum of 30s. of lawful money of Great Britain (the said geese and chickens then being brought to the said market by the said A. S. to be sold); and that afterwards, to wit, on the same _____ day of _____ in the year aforesaid, he the said A. O. at the parish aforesaid, in the county aforesaid, in the said market there, unlawfully did regrate the said geese and chickens, and sell the same again to one A. B. for the sum of 40s. of like lawful money of Great Britain, in contempt of our said lord the king and his laws, to the evil example of all others in the like case offending, against the peace of our said lord the king, and against the form of the statute in that case made and provided.

Forests. See Game.

Forfeiture.

Forfeiture.

The forfeitures for particular offences may be found under their respective titles; here it is treated of forfeitures in general.

I. Of forfeiture of lands and goods.

II. Of loss of dower.

III. Of corruption of blood.

I. Of forfeiture of lands and goods.

Forfeiture of
lands.

IT seems agreed, that by the common law, all lands of inheritance, whereof the offender was seised in his own right, and also all rights of entry to lands in the hands of a wrong doer, are forfeited to the king, by an attainder of high treason, and to the lord of whom they are immediately holden, by an attainder of petit treason or felony. *2 Harv. 448.*

But it seems clear, that the lord cannot enter into the lands holden of him, upon an escheat for petit treason or felony, without a special grant, till it appear by due process, that the king hath had his prerogative of the year, day, and waste. *2 Harv. 448.*

Concerning which year, day, and waste, it is enacted by the *17 Ed. 2. c. 16.* that the king shall have the goods of all felons attainted, and fugitives, wheresoever they be found. And if they have freehold, it shall be forthwith taken into the king's hands, and the king shall have all profits of the same by one year and one day; and the land shall be wasted and destroyed in the houses, woods, and gardens, and in all manner of things, belonging to the same land. And after the king hath had the year, day, and waste, the land shall be restored to the chief lord of the fee, unless that he fine before with the king, for the year, day, and waste.

Forfeiture of
goods.

2. As to forfeiture of goods, it seems agreed, that all things whatsoever, which are comprehended under the notion of a personal estate, whether they be in action or possession, which the party hath, or is intitled to, in his own right, and not as executor or administrator to another, are liable to such forfeiture, in the following cases:

(1) Upon a conviction of treason or felony. *2 Harv. 450.*

(2) Upon a slight found before the coroner, upon view of a dead body. *id.*

(3) Upon an acquittal of a capital felony, if the party is found to have fled. *id.*

(4) Also a person indicted of petit larceny, and acquitted, yet if it be found he fled for it, forfeits his goods, as in case of grand larceny. *1 H. H. 530. 2 Harv. 451.*

But it is certain that the party may in all cases, except that of the coroner's inquest, traverse the finding of the flight. Also it seems agreed, that the particulars of the goods found to be forfeited may be also traversed. 2 *Haw.* 451.

(5) Upon a presentment by the oaths of 12 men, that a person arrested for treason or felony, fled from, or resisted those who had him in custody, and was killed by them in the pursuit or scuffle. 2 *Haw.* 451.

(6) By being waived or left by a felon in his flight, whereby he forfeits the goods so waived, whether they be his own, or the goods of others stolen by him, which shall not be restored to the right owners but upon a proper prosecution. 2 *Haw.* 451.

(7) Also, a convict within clergy, forfeits all his goods, tho' he be burnt in the hand; yet thereby he becomes capable of purchasing other goods. 2 *H. H.* 388, 389.

But on burning in the hand, he ought to be immediately restored to possession of his lands. 2 *H. H.* 389.

3. Upon outlawry in treason or felony, the offender shall lose Forfeiture upon and forfeit as much as if he had appeared, and judgment had been outlawry. given against him, as long as the outlawry is in force. *Wood*

1112.

And those that tarry till the exigent, in treason, felony, or petit larceny, forfeit their goods, tho' they render themselves to justice, and are acquitted; for it was a flight in law. *Wood*

1112.

4. But where the killing a man in his own defence is in the law no felony, there is no forfeiture, unless he fled: for that is a distinct forfeiture, altho' the party be not guilty of the fact. *Wood*

1 *H. H.* 493.

5. It seems agreed, that the forfeiture, upon an attainder either of treason or felony, shall have relation to the time of the offence, for the avoiding of all subsequent alienations of the lands; but to the time of the conviction or flight found only, as to *chattels*; unless the party were killed in flying or resisting, in which case it is said, that the forfeiture of the chattels shall relate to the time of the offence. 2 *Haw.* 454.

To what time the forfeiture shall relate.

6. But tho' the goods of an offender be not forfeited, till the conviction, or flight found by inquest, yet whether they may be seized upon the offence committed, hath been controverted; concerning which Lord *Hale* saith thus:

What is to be done with the felon's goods before forfeiture.

It seemeth clear, that at the common law, if a man had committed felony or treason, or tho' possibly he had committed none, yet if he had been indicted, the sheriff, coroner, or other officer, could not seize and carry away the goods of the offender or party accused:

Again, he could not in that case have removed the goods out of the custody of the offender or party accused, and deliver them over to the constables or to the *villata*, to answer for them:

But if the party were indicted, the sheriff or other officer might make a simple seizure of them only to inventory and appraise them, and leave them to the custody of the servants or bailiff of the party indicted, in case he would give security against their

being imbeziled, or in default thereof he might deliver them to the constable or vill to be answerable for them, but yet so that the party accused and his family have sufficient out of them for their livelihood and maintenance:

And possibly the same law was, tho' he were not indicted, but *de facto* had committed a felony, but with this difference, if he had been indicted, this kind of seizure might have been made, whether he committed the felony or not:

But in case there were no indictment, then it is at the peril of him that seizeth, if he committed not the felony:

And then as to the statute of 1 R. 3. c. 3. it is as follows; *No sheriff or other person shall take or seize the goods of any person arrested or imprisoned for suspicion of felony, before he be convicted or attainted, or before the goods be otherwise forfeited; on pain of double value to the party grieved:*

Mr. Stamford thinks this is but in affirmance of the common law, only that it gives a penalty; but it seems to be somewhat more than so, for this prohibits the seizure of the goods of a party imprisoned, tho' he were also indicted, but not yet convicted, where unquestionably the common law allowed such a seizure, if the party or his friends did not secure the forthcoming of the goods, where the party was indicted:

But upon this statute these things are considerable; 1. As to persons at large, it seems to me (says he) that if they flee not, there can no seizure at all made, whether they are indicted or not; for the statute did not intend a greater privilege to a party imprisoned, than to him that is at large. 2. That if he be at large, and fly for it, yet his goods cannot be seized and removed, whether he be indicted or not indicted. 3. That if he be indicted, and at large, yet the goods cannot be removed, but only viewed, appraised, and inventoried, in the house or place where they lie:

And yet I know not how it comes to pass, says he, the use of seizing the goods of persons accused of felony, tho' imprisoned or not imprisoned, hath so far obtained notwithstanding this statute, that it passeth for law and common practice, as well by constables, sheriffs, and other the king's officers, as by lords of franchises, that there is nothing more usual:

Upon the whole, he says, that the opinion of my Lord Coke, in his 3 *Inst.* 228. hath truly stated the law, at least as it stands upon the statute of 1 R. 3. *viz.* 1. That *before* the indictment, the goods of any person cannot be searched, inventoried, or in any sort seized. 2. That *after* the indictment, they cannot be seized and removed, or taken away, before conviction or attainder:

But then it may be said, to what purpose may they be searched and inventoried after indictment, if they may not be removed, but are equally liable to imbeziling as before:

I think (he says) he is not bound to find sureties, neither hath the officer at this day any power to remove them in default of sureties, and commit them to the vill, but only to inventory them, and leave them where he found them (unless in case of a second

The following is a list of the names of the persons who have been
 named in the above report, in the order in which they were
 named:

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The first of these was the "Great
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 was the "World War" which
 was fought between the
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 was fought between the
 United States and North
 Korea. The sixth was the
 "Vietnam War" which was
 fought between the United
 States and North Vietnam.
 The seventh was the "Iraq
 War" which was fought
 between the United States
 and Iraq. The eighth was
 the "Afghanistan War" which
 was fought between the
 United States and the
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 the "Somali War" which
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1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

1. The first group of people who are interested in the study of the history of the United States are the people who are interested in the history of the United States.

1947

Introduction

The purpose of this study is to investigate the effects of the proposed system on the performance of the system. The study is divided into two main parts: a theoretical analysis and an experimental evaluation. The theoretical analysis is based on the principles of the system and the results of previous studies. The experimental evaluation is based on the results of a series of experiments conducted under controlled conditions.

II. Theory

The proposed system is based on the principles of the system and the results of previous studies. The system is designed to improve the performance of the system by reducing the time and space requirements. The system is based on the principles of the system and the results of previous studies.

III. Experiment

The experiment is designed to evaluate the performance of the proposed system. The experiment is divided into two main parts: a theoretical analysis and an experimental evaluation. The theoretical analysis is based on the principles of the system and the results of previous studies. The experimental evaluation is based on the results of a series of experiments conducted under controlled conditions.

Conclusion

The results of the experiment show that the proposed system is effective in improving the performance of the system. The system is based on the principles of the system and the results of previous studies. The system is designed to improve the performance of the system by reducing the time and space requirements. The system is based on the principles of the system and the results of previous studies.

capias on the 25 *Ed. 3. c. 14.*) for the prisoner or party indicted may sell them *bona fide*; and if he may do so, the vendee may take them, and the *villata* cannot refuse the delivering of them to the vendee, tho' the goods had been delivered to them :

But there is this advantage by the viewing and appraising, that thereby the king is ascertained what the goods are, and may pursue them that take or imbezil them, by information (if the party happen to be convicted) and try the property with them, whether they are really sold, or sold only fraudulently without valuable consideration to prevent the forfeiture. 1 *H. H.* 363, 4, 5, 6, 7.

II. Of loss of dower.

1. Albeit a person shall be attainted of felony, yet his wife shall not forfeit her dower. 1 *Ed. 6. c. 12. f. 17.* Forfeiture of dower in felony.
2. But on his attainder of any treason, she shall forfeit her dower. 5 & 6 *Ed. 6. c. 11. f. 13.* In treason. But in some kinds of treason (particularly with regard to the coin) there is a special saving of the wife's dower by statute.

III. Of corruption of blood.

1. It is agreed, that by an attainder of treason or felony, the blood is so far stained or corrupted, that the party loses all the nobility or gentility he might have had before, and becomes ignoble. Corruption of blood. 2 *Harw.* 456.
2. Also, that he can neither inherit as heir to an ancestor, nor have an heir. 2 *Harw.* 456.
3. But the king's pardon, tho' it doth not restore the blood, yet as to issues born after, hath the effect of a restitution. 1 *H. H.* 358.
4. But restitution of blood in its true nature and extent, can only be by act of parliament. 1 *H. H.* 358. 2 *Harw.* 458.

Forgery.

1. **F**ORGERY is an offence at common law, and an offence also by statute.

2. Forgery at the common law, is an offence in falsely and fraudulently making or altering any matter of record, or any other authentick matter of a publick nature; as a parish register, or any deed, will, privy seal, certificate of holy orders, protection of a parliament man, and the like. 1 *Harw.* 182, 184.

As for writings of an inferior nature, as private letters, and such like, the counterfeiting of them is not properly forgery; therefore in some cases it may be more safe to prosecute such offenders for a misdemeanor, as cheats. For by reason of the uncertainty of opinions, concerning proper forgeries at common law, indictments are generally brought upon some of the following statutes,

tutes, and very few at common law. But if the indictment is at common law, and the offender is convicted, he may be pilloried, fined, and imprisoned. *Wood* 710. *1 Haw.* 184.

But as to the power of justices of the peace in this matter, Mr. *Hawkins* says, it hath been settled of late, that they have no jurisdiction over forgery at the common law; the principal reason of which resolution (he says) as he apprehended, was, that inasmuch as the chief end of the institution of the office of these justices was for the preservation of the peace against personal wrongs and open violence, and the word *trespass* in its most proper and natural sense, is taken for such kind of injuries, it shall be understood in that sense only in the commission, or at the most to extend to such other offences only as have a direct and immediate tendency to cause such breaches of the peace, as libels, and such like, which on this account have been adjudged indictable before justices of the peace. *2 Haw.* 40. *1 Salk.* 406.

But Mr. *Barlow* says nevertheless, that it seemeth clear, that a justice of the peace may take an information thereof, bind over the informers, examine the offender, certify his examination to the proper judges, and commit him to prison in order to abide his trial. *Barl.* 244.

3 The statutes that make forgery an offence are these that follow :

The first is that famous statute of the 5 *El. c.* 14. which by an example worthy to be imitated, doth (in order to prevent confusion) repeal all former statutes against forgery. By this it is enacted, that if any person upon his own head and imagination, or by false conspiracy and fraud with others, shall wittingly, subtilly, and falsly forge or make, or subtilly cause, or willingly assent to be forged or made, any false deed, charter, or writing sealed, court roll, or the will of any person in writing, to the intent that the state of freehold or inheritance of any person, of any lands, tenements, or hereditaments, freehold or copyhold, or the right, title, or interest of any person in the same may be molested, troubled, defeated, recovered, or charged; or shall pronounce, publish, or shew forth in evidence the same as true, knowing the same to be false or forged, to the intent as above (except lawyers or attornies for their clients, not being privy to the forgery); and shall be thereof convicted, either upon action at the suit of the party, or otherwise according to the order and due course of the laws of this realm,—he shall pay to the party double costs and damages, and be set in the pillory, and have both his ears cut off, and his nostrils slit and seared with a hot iron, and shall forfeit the profits of his lands during life, and be imprisoned also during life. *s.* 2.

And all justices of oyer and terminer, and justices of assize, shall have power to inquire of, hear, and determine all offences in this act. *s.* 10.

Upon his own head] When the proceedings were in latin, *super proprium suum caput* was allowed to be good upon an indictment on this statute; the law having more regard that the statute be strictly pursued, than rendered into proper latin. *1 Haw.* 187.

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Forge or make] Making a second deed, and antedating it, with intent to make it take place of a former deed, is forgery within this statute. 3 *Inst.* 167.

Or subtilly cause, or willingly assent] To *cause*, is to procure or counsel one to forge; to *assent*, is to give his assent or agreement afterwards, to the procurement or counsel of another; to *consent*, is to agree at the time of the procurement or counsel, and such is in law a procurer. 3 *Inst.* 169.

But Lord Hale says, that an *assent* after the fact committed, makes not the party assenting guilty or principal in the forging; but it must be a precedent, or concomitant assent. 1 *H. H.* 684.

False deed, charter, or writing] It seems to be no way material, whether a forged instrument be made in such a manner, that if it were in truth such as it is counterfeited for, it would be of validity or not; and upon this ground it hath been adjudged, that the forgery of a protection in the name of a member of parliament, who in truth at the time was not a member, is as much a crime as if he were. 1 *Haw.* 184.

Writing sealed] These are large words; and the making of a false customary of a manor in writing under seal, containing divers false customs, to the disherison of the lord of the manor, and that the same had been allowed and permitted by the lord of the manor, which was also false, was resolved to be within these words a *false writing sealed*. 3 *Inst.* 171.

Sealed] It is required that the deed, charter, or writing must be sealed, that is, have some impression upon the wax; for wax, without an impression is not a seal. 3 *Inst.* 169.

Court roll, or will] Here are two writings which need not be sealed, because they may take effect without any seal, for that they be no deeds; and no writing can have the force of a deed, without a seal. 3 *Inst.* 170.

Will] If any person which writeth the will of a sick man, inserteth a clause therein concerning the devise of lands, without any direction of the deviser, this is forgery, altho' he did not forge the whole will. 3 *Inst.* 170.

To the intent that the state of freehold or inheritance of any person, of any lands, tenements, or hereditaments, freehold or copyhold, or the right, title, or interest of any person in the same may be molested, troubled, defeated, recovered, or charged] *E.* 4 *G.* 2. *K.* and *Japhet Crooke*. The defendant was convicted on this statute for forging a lease and release. And the indictment sets forth, that Garbut and his wife were seised in fee of certain messuages, lands, and tenements called *Jarwick* in the parish of *Clackton* in *Essex*, and that the defendant intending to molest them and their interest in the premises, forged a lease and release as from Garbut and his wife, whereby they are supposed for a valuable consideration to convey to him "all that park called *Jarwick* park in the parish of "*Clackton* in *Essex*, containing eight miles in circumference, with "all the deer, woods, &c, thereto belonging." It was moved in arrest of judgment, that the premises supposed to be conveyed

were so materially different from those which were really the estate of Garbut and his wife, which was houses, lands, and tenements; that it was impossible this conveyance ever could molest or disturb them: if it was a true deed, it could not pass their lands at law, for want of a proper description; and though where lands are improperly described, a court of equity will oblige the vendor to convey them by proper words, yet that is only where there is a previous contract for a sale, and they do it as carrying that contract into execution. The court for several terms inclined strongly with the objection; but this term *Raymond Ch. J.* declared that they were all of opinion to over-rule it: for by the words of the act, it is not necessary that there should be a charge or a possibility of a charge; it is sufficient that it be done with that intent, and the jury have found that it was done with intent to molest Garbut and his wife in the possession of their lands. Accordingly judgment was given for the king, and the defendant had sentence to undergo the punishment appointed by the act for forging a deed, and the same was executed upon him at *Charing-cross*. *Str.* 901.

Pronounce or publish] That is, when one by words or writing pronounceth or publisheth the deed to any other as true. *3 Inst.* 171.

Knowing the same to be forged] This knowledge may come by two means; either of his own knowledge, or of the relation of another; for if another tell him it is forged, and he publish it afterwards as true, and it prove to be forged indeed, he is in danger of this statute. *3 Inst.* 171. *1 Harv.* 187.

But Lord *Hale* says, that tho' such a relation may be an evidence of fact to prove his knowledge, yet it is not conclusive; for perchance there might be circumstances of fact, that might make the person relating it, or his relation, not credible: So that the *knowing* must be upon the whole matter left to the jury, upon the circumstances of the case. *1 H. H.* 685.

Justices of oyer and terminer] Albeit justices of the peace, by their commission, have power to hear and determine felonies and trespasses, yet they are not included under the name of justices of oyer and terminer; for justices of oyer and terminer are known by one distinct name, and justices of the peace by another. *3 Inst.* 103.

And by the same statute it is further enacted, that if any person, upon his own head or imagination, or by false conspiracy or fraud with any other, shall wittingly, subtilly, and falsely forge or make, or cause or assent to be made and forged any false charter, deed, or writing, to the intent that any person may have or claim any estate or interest for term of years in any manors, lands, tenements, or hereditaments, not being copyhold, or any annuity in fee simple, fee-tail, or for term of life, lives, or years; or any obligation, or bill obligatory, or any acquittance, release, or other discharge of any debt, account, action, suit, demand, or other thing personal; or shall pronounce, publish, or give the same in evidence as true, knowing the same to be false and forged, he shall, on conviction in like manner, pay to the party double costs and damages, and be sit

Journal

The first day of the month was a fine day, with a light breeze from the north, and a few clouds in the sky. We went for a walk in the park, and saw many beautiful flowers in bloom. The children were very happy, and played for hours. We also had a picnic under a big tree, and ate our food with great relish. The day was very pleasant, and we all enjoyed it very much.

The second day was a cloudy day, with a heavy shower of rain in the evening. We stayed at home, and read some books. The children were very tired, and went to bed early. We also had a small fire, and ate some hot soup, which was very comforting.

The third day was a fine day, with a light breeze from the south, and a few clouds in the sky. We went for a walk in the park, and saw many beautiful flowers in bloom. The children were very happy, and played for hours. We also had a picnic under a big tree, and ate our food with great relish. The day was very pleasant, and we all enjoyed it very much.

REVOLUTION

The Revolution of 1776 was a turning point in the history of the United States. It was a time of great change and growth.

During this time, the American people fought for their freedom and independence from Great Britain.

And it was a time when the American people began to realize their own potential and their own destiny.

It was a time when the American people began to see themselves as a new and independent nation.

And it was a time when the American people began to build a new and better future for themselves.

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on the pillory, and have one of his ears cut off, and be imprisoned for a year. *1. 3.*

Obligation or bill obligatory] The forgery of a deed of gift of mere personal chattels, is not within this statute. *1 Harw. 186.*

And if after verdict, the plaintiff shall release the judgment or execution, or suffer a discontinuance, it shall only discharge his own costs and damages, and not the other punishments. *1. 6.*

And by the same statute it is further enacted, that if any person shall after conviction offend again in any of the ways above-mentioned, he shall be guilty of felony without benefit of clergy. *f. 7, 8.*

4. Thus stood the matter upon the statute of *5 El.* Afterwards by many subsequent statutes (several of which were occasional only, and adapted to the particular juncture and circumstances of the time in which they were made, but which are referred to and enforced by the subsequent statutes on the same subject) divers other forgeries were made felony without benefit of clergy for the first offence; and others had other punishments assigned them: Which are as follows:

It shall be felony without benefit of clergy, to forge or counterfeit

(1) Any bank bills, or notes, or the seal of the governor and company of the bank of England. *7 & 8 W. c. 31. f. 36. 8 & 9 W. c. 20. f. 36. 11 G. c. 9. f. 6. 12 G. c. 32. f. 9.*

And in general, any bank note, bill of exchange, dividend warrant, or any bond or obligation under the seal of the bank, or indorsement thereon; or knowingly offering to dispose thereof. *15 G. 2. c. 13. f. 12.*

(2) India bonds. *12 G. c. 32. f. 9.*

(3) Bonds, receipts, warrants, or seal of the south-sea company. *9 An. c. 21. f. 57. 6 G. c. 4. f. 56. 6 G. c. 11. f. 50. 12 G. c. 32. f. 9.*

(4) Exchequer bills: by the several acts which direct the issuing the same.

(5) Any power to transfer stocks. *8 G. c. 22. f. 1. 9 G. c. 12. f. 4.*

(6) Lottery tickets and orders: by the several lottery acts.

(7) Policy of assurance. *6 G. c. 18. f. 13.*

(8) Mediterranean passes. *4 G. 2. c. 18.*

(9) Army debentures. *5 G. c. 14. f. 10. 9 G. c. 5. f. 19.*

(10) Marriage licence or registry of a marriage. *26 G. 2. c. 33.*

(11) Stamps on vellum, parchment, and paper, by the several stamp acts.

(12) Stamps on linen imported. *10 An. c. 19. f. 97.* And selling it knowingly with a counterfeit stamp; *100 l.* and the pillory. *id.*

And by the *9 & 10 W. c. 41.* Forgers of seamiens wills, or letters of attorney, shall over and above the penalties by former laws, forfeit *200 l.* with costs; half to the king, and half to him that will sue. *f. 3.*

5. And besides these particular laws, in the 2 G. 2. a general law was made (for five years, and was afterwards revived and made perpetual), by which it is enacted, that *if any person shall falsely make, forge, or counterfeit, or cause or procure the same to be done, or willingly aid or assist in the false making, forging, or counterfeiting any deed, will, bond, writing obligatory, bill of exchange, promissory note, indorsement or assignment of any bill of exchange or promissory note, acquittance or receipt for money or goods, with intent to defraud any person; or shall utter or publish the same as true, knowing the same to be forged;—he shall be guilty of felony without benefit of clergy; but not to work corruption of blood, or disinheritance of heirs.* 2 G. 2. c. 25. s. 1, 5.

6. And by the 7 G. 2. c. 22. it is further enacted, by way of addition to the foregoing, that *if any person shall falsely make, alter, forge, or counterfeit, or willingly act or assist in the false making, altering, forging, or counterfeiting any acceptance of any bill of exchange, or the number or principal sum of any accountable receipt for any note, bill, or other security for payment of money, or any warrant or order for payment of money, or delivery of goods, with intent to defraud any person; or shall utter or publish the same as true, with intent to defraud any person, knowing the same to be false;—he shall be guilty of felony without benefit of clergy: and this, without any saving of the corruption of blood, or disinheritance of heirs.*

7. Forgery is excepted out of the act of general pardon, 20 G. 2.

Fornication. See Lewdness.

Fraud. See Cheat.

Fruit and Fruit trees. See Wood.

Fuel.

BY the 43 El. c. 14. All faggots to be sold shall contain in compass, besides the knot of the bond, 24 inches of assize; and every faggot stick within the bond, shall contain full three foot of assize, except only one stick to be one foot long, to stop or harden the binding.

By the 9 An. c. 15. All billets (except those made of beech, 10 An. c. 6.) that lie exposed in publick places where they are usually bought or sold, shall be assized, and cut or marked in manner following; That is to say,

All billets of what scantling or denomination soever, shall contain in length three foot and four inches, and be of the following dimensions; viz.

General

1. The first part of the report is a general description of the project and its objectives. This includes a brief history of the project, a statement of the problem, and a description of the goals and objectives of the study.

2. The second part of the report is a description of the methodology used in the study. This includes a description of the data sources, the data collection methods, and the data analysis methods.

3. The third part of the report is a description of the results of the study. This includes a description of the data, a description of the findings, and a description of the conclusions.

4. The fourth part of the report is a description of the conclusions of the study. This includes a description of the findings, a description of the conclusions, and a description of the recommendations.

5. The fifth part of the report is a description of the recommendations of the study. This includes a description of the findings, a description of the conclusions, and a description of the recommendations.

Conclusion

The study has shown that the project is feasible and that the objectives of the study have been achieved. The study has also shown that the methodology used in the study is valid and that the results of the study are reliable.

The study has also shown that the conclusions of the study are valid and that the recommendations of the study are sound. The study has also shown that the findings of the study are significant and that the conclusions of the study are valid.

The study has also shown that the recommendations of the study are sound and that the findings of the study are significant. The study has also shown that the conclusions of the study are valid and that the recommendations of the study are sound.

| Names of the billets. | Round | | Half round | | Quarter cleft | | |
|-----------------------|-------|-----|------------|-------|---------------|-------|--|
| | in. | qr. | in. | qr. | in. | qr. | |
| A single | 7 | 2 | 0 | 0 | 0 | 0 | No notch. |
| A cast | 10 | 2 | 12 | 1 | 12 | 0 | One notch. |
| A trois | 13 | 0 | 15 | 0 | 14 | 3 | Three in the middle. |
| 2 cast | 15 | 0 | 17 | 1 | 17 | 0 | Two notches. |
| 3 cast | 18 | 1 | 21 | 1 | 21 | 0 | { One at each end,
and one in the middle. |
| 4 cast | 21 | 1 | 24 | 2 | 24 | 0 | |
| 5 cast | 23 | 3 | 27 | 2 | 27 | 0 | 4 notches. |
| 6 cast | 26 | 0 | 30 | 0 | 29 | 2 | 5 notches. |
| 7 cast | 28 | 0 | 32 | 2 | 32 | 0 | 6 notches. |
| 8 cast | 30 | 0 | 34 | 3 | 34 | 0 | 7 notches. |
| 9 cast | 31 | 3 | 36 | 3 | 36 | 1 | 8 notches. |
| 10 cast | 33 | 2 | 38 | 3 | 38 | 0 | 9 notches. |
| 11 cast | 35 | 1 | _____ | _____ | _____ | _____ | 10 notches. |
| 12 cast | 36 | 3 | _____ | _____ | _____ | _____ | 11 notches. |
| 13 cast | 38 | 1 | _____ | _____ | _____ | _____ | 12 notches. |
| 14 cast | 39 | 3 | _____ | _____ | _____ | _____ | 13 notches. |
| 15 cast | 41 | 0 | _____ | _____ | _____ | _____ | 14 notches. |
| 16 cast | 42 | 2 | _____ | _____ | _____ | _____ | 15 notches. |
| 17 cast | 43 | 3 | _____ | _____ | _____ | _____ | 16 notches. |
| 18 cast | 45 | 0 | _____ | _____ | _____ | _____ | 17 notches. |
| 19 cast | 46 | 1 | _____ | _____ | _____ | _____ | 18 notches. |
| 20 cast | 47 | 2 | _____ | _____ | _____ | _____ | 19 notches. |
| | | | | | | | 20 notches. |

And if they shall not be thus affized and marked, then on information to a justice of the peace, mayor, or other head officer, he shall call before him six good and lawful men of the town, and shall swear them truly to inquire and present, whether the same be of good and sufficient affize; and if they shall pretend that any of them is not sufficient, the same so being deficient shall be forfeited, and be delivered to the overseers, to be by them distributed to the poor. *id. f. 2.*

And by the 43 *El. c. 14.* The billets shall be measured within six inches of the midst; and the surplufage which shall happen between any two next measures, being above the one, and under the other, shall be taken for the benefit of the buyer.

Fuller's earth. See **Woollen manufature.**

Furze. Burning it in forests. See **Burning.**

Game.

THE statutes relating to this title are very numerous, and the sense sometimes a little perplexed, so that perhaps upon a view of the whole, it may seem, that about four or five new acts, comprehending the several heads here under mentioned, and repealing all the preceding ones, would conduce to render this branch of our laws more intelligible and useful.

After having first premised (in order to avoid frequent repetitions throughout this whole title) that it is enacted by the statute of the 8 G. c. 19. that where any person for any offence against any law in being at the making of the said act, for the better preservation of the game, shall be liable to pay any pecuniary penalty or sum of money, on conviction before a justice of the peace, the prosecutor may either proceed to recover the same in such manner, or he may sue for the same (before the end of the second term after the offence committed, 26 G. 2. c. 2.) by action of debt, or on the case, bill, plaint, or information, in any court of record at *Westminster*, wherein if he recovers he shall have double costs; (This being premised) I will treat of this subject under the following heads; containing,

- I. Certain preliminary observations.
- II. The laws concerning gamekeepers.
- III. The qualification by estate or degree to kill game; with the punishment of persons unqualified.
- IV. Laws for preserving the four footed game in particular.
- V. Laws for preserving the winged game in particular.
- VI. Laws for preserving the game of fish in particular.

Under which three last heads are comprehended those restrictions which seem to concern all persons whatsoever, whether qualified or not: for altho' a man be qualified to kill game, yet he must kill it in a lawful manner, and not in such ways as tend utterly to destroy it.

I. Preliminary observations.

Forest, what.

1. A *forest* is a certain territory of woody grounds, and fruitful pastures, privileged for wild beasts and fowls of forest, chase, and warren, to rest and abide there in the safe protection of the king, for his delight and pleasure: which territory of ground so privileged,

Index

1. The first part of the index is a list of names and titles, arranged alphabetically. This section includes names of individuals, organizations, and institutions, along with their respective titles or positions. The list is comprehensive, covering a wide range of subjects and topics.

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viledged, is meered and bounded with unremoveable marks, meers, and boundaries, either known by matter of record, or by prescription; and also replenished with wild beasts of venary or chase, and with great coverts of vert for the succour of the said beasts there to abide: for the preservation and continuance of which, there are particular officers, laws, and privileges belonging to the same, requisite for that purpose, and proper only to a forest, and to no other place. *Manw.* 143.

Note; That *vert* comprehends every thing which bears green leaves in the forest. *Manw.* 146.

2. Beasts of forest are properly hart, hind, buck, hare, boar Beasts of forest. and wolf; but legally, all wild beasts of venary. 1 *Inst.* 233.

3. *Purlieu* comes from the *French*, *pur*, clear, entire, and ex- Purlieu, what. empt; and *lieu*, a place; that is, a place entire, clear, or exempt from the forest: and signifies those grounds which *Henry* the second, *Richard* the first, or king *John* added to their ancient forests, over other mens grounds; and were disafforested by the statute of *charta de foresta*. 4 *Inst.* 303. *Manw.* 242.

But nevertheless the *purlieu* as to some purposes is forest still, and is only disafforested as to the particular owners of the land and for their benefit, and not generally to give liberty to any man to hunt the wild beasts, and spoil the vert. And if those beasts do escape out of the forest into the *purlieu*, the king hath a property in them still against any man, but against the owners of the woods and lands in which they are; and such owners have a special property in them *ratione loci*, but yet so that they hunt them fairly, and not foretell them in their return towards the forest. *Manw.* 292.

But a *purlieu* man may not hunt in every man's lands within the *purlieu*, but in his own lands only; and therefore if he find the beasts of the forest in his woods or lands in the *purlieu*, in such case he hath a property in them against any other man *ratione soli* (the king only excepted.) And if he begins the hunting in his own lands, then by reason of that property he may pursue his hunting thro' any man's woods or lands, so as he doth not enter into any forest, chase, park, or warren. And if he kill the beast in another man's land, and out of such privileged place, he may take and carry away the same by reason of the first property. But if the beasts recover the forest, he must call back his dogs, for they are then the king's wild beasts again. And if he do not call back and rebuke his dogs, and they kill the beast in the forest, he is a trespasser, tho' himself never came within the bounds thereof. But if in hunting towards the forest, the dogs fasten on it before it is within the bounds thereof, and the dogs still hanging on are drawn by the deer into the forest, and it is killed there, then by reason of the first property which he had *ratione soli*, and also by the pursuit and possession thereof before it entred the forest, he may lawfully enter and take it. *Manw.* 194.—7.

4. A *chase* (from *chasser*, to chase) is a privileged place for re- Chase, what. ceipt of deer and beasts of the forest, and is of a middle nature betwixt a forest and a park. It is commonly less than a forest, and not

not endowed with so many liberties, as officers, laws, courts; and yet is of a larger compass than a park, having more officers and game than a park. Every forest is a chase, but every chase is not a forest. It differeth from a park in that it is not inclosed; for if it is inclosed, it is a good cause of forfeiture; tho' it must have certain metes and bounds, but it may be in other mens grounds as well as in one's own. *Read. Game. Manw. 49.*

Beasts of chase.

5. Beasts of chase are the buck, doe, fox, martern, and roe; the two last of which are not now in *England*. *Manw. 50.*

Park, what.

6. A park (from the *French*, *parquer*, to inclose) is a large parcel of ground privileged for wild beasts of chase by the king's grant, or by prescription. *Read. Game.*

Beasts of park.

7. The beasts of park properly extend to the buck, doe, fox; but in a common and legal sense to all the beasts of the forest. *Read. Game.*

Park to be inclosed.

8. A park must be inclosed; for if it lies open, it is a good cause of seizure into the king's hands, as a thing forfeited: and the owner cannot have an action against those that hunt in his park, if it lies open. *Read. Game.*

Deer shall go to the heir.

9. Deer in a park shall go to the heir, and not to the executor. *1 Inst. 8.*

Warren, what.

10. A warren is a place privileged by prescription or grant of the king, for the preservation of the beasts and fowl of the warren; viz. hares, conies, partridges, and pheasants. *Read. Game.*

Need not to be inclosed.

11. A free warren may lie open, there being no necessity of inclosing it. *Read. Game.*

Conies shall go to the heir.

12. Conies in a warren (as hath been said before of deer in the park) shall go to the heir, and not to the executor. *1 Inst. 8.*

Licence to erect.

13. It is not lawful for any man to erect a park, chase, or warren, without a licence under the great seal of the king; because the common law gives no way to matters of pleasure, for that they bring no profit to the commonwealth. *2 Inst. 199.*

But in the case of *K. and Sir W. Lowther, M. 12 G.* There was a motion for leave to file an information in nature of a *quo warranto*, against *Sir William Lowther*, to shew by what authority he had made and set up a warren. But it was denied by the court; because it was of a private nature, and therefore proper to be prosecuted only in the name of the attorney general by information, if his majesty thought fit. And the like motion had been denied before in the case of the lord *Lisburn*. *L. Raym. 1409. Str. 637.*

Which of these is the highest franchise.

14. A forest is the highest franchise of princely pleasure; the next to that is a free chase; a chase in one degree is the same as a park, only a park is inclosed, and a chase is always open; the next in degree to a free chase, is a park; and next unto a park, is the franchise of a free warren. *Manw. 148.*

Common in a chase.

15. A person may have common in a chase, as well as in a forest; but a forest is governed by the forest law, and a chase and park by the common law. *4 Inst. 314. Manw. 49.*

Trespass, in what case.

16. If I find a pheasant in my lands, and I let my hawk fly, I may follow the flight into another man's land, by reason of the first

first property which I had in the pheasant *ratione soli*; and if my hawk kill the pheasant in another man's land, I may enter and take it, by reason of that property and pursuit; and in that case, I shall not be punished as a trespasser for taking and carrying away the pheasant, but only for entering the ground. But if the pheasant fly into a warren (which is a privileged place for birds of warren) and the hawk kill it there, the falconer shall not have the pheasant, but the owner of the warren. And the law is the same, in the cases of all wild beasts of the forest and chase. *Munw.* 193, 196.

17. Notwithstanding the common law allows of the hunting of foxes and badgers, being beasts of prey, in another man's ground, because the destroying of them is looked upon as a publick benefit; yet the digging and breaking the ground to unearth them is held to be unlawful, and the owner of the ground may maintain an action of trespass in that case. *Cro. Ja.* 321.

No trespass in following beasts of prey.

II. Concerning gamekeepers.

1. All lords of manors, or other royalties, not under the degree of an esquire, may by writing under their hands and seals (A) authorize one or more gamekeeper or gamekeepers within their respective manors or royalties. 22 & 23 C. 2. c. 25. s. 2.

Who may appoint a gamekeeper.

2. And may empower him thereby, upon their own manors, to kill hare, pheasant, partridge, or any other game:

With power to kill game.

But if the gamekeeper shall, under colour thereof, kill or take the same for the use of the lord, and afterwards sell and dispose thereof without the lord's consent; and be convicted, on complaint of such lord, and on oath of one witness, before one justice; he shall be committed to the house of correction for three months, to be kept to hard labour. 5 An. c. 14. s. 4.

3. But no lord of a manor shall make above one person to be a gamekeeper within any one manor, with power to kill game. And the name of such person shall be entered with the clerk of the peace where the manor lies; the entry to be made and viewed without fee; and a certificate thereof shall be granted by the clerk of the peace, on payment of one shilling:

One gamekeeper in one manor; and to be entered with the clerk of the peace.

And if any other gamekeeper, whose name is not so entered, who shall not be otherwise qualified by the laws of this kingdom to kill game, shall kill, sell, or expose to sale any hare, pheasant, partridge, moor, heath game, or grouse; he shall on conviction before one justice, on oath of one witness, forfeit for every offence 1. half to the informer, and half to the poor, by distress: for want of distress, to be sent to the house of correction for three months for the first offence, and for every other offence four months. 9 An. c. 25. s. 1.

* *Who shall not be otherwise qualified*] From these words it seemeth clear, that a gamekeeper who is qualified in his own right to kill game, need not to be entered with the clerk of the peace.

To be also a menial servant.

4. And moreover, by the 3 G. c. 11. it is further enacted, that no lord of a manor shall make any person to be a gamekeeper with power to kill game, unless such person be qualified by the laws of this realm so to do; or unless such person be truly and properly a servant to the said lord; or be immediately employed and appointed to take and kill the game for the sole use of the said lord, and not otherwise:

And if any person, not being qualified by the laws so to do, or not being truly and properly a servant of any lord of a manor, or not immediately employed and appointed to take and kill the game for the sole use or immediate benefit of the said lord, shall under colour or pretence of any power or authority, deputation, or qualification to him granted by any lord of a manor, take or kill any hare, pheasant, partridge, or other game whatsoever; or shall keep or use any greyhounds, setting dogs, hays, lurchers, guns, tunnels, or any other engine, to kill and destroy the game; he shall forfeit 5 *l.* in like manner. *f. 1.*

Gamekeeper's

power to search.

5. The gamekeeper (so authorized) may search for dogs and engines, and seize the same for the use of the lord, or destroy them. 22 & 23 C. 2. c. 25. *f. 2.*

But it hath been adjudged, that an authority from the lord of the manor is not of it self sufficient for this purpose, but that he ought to have a warrant from a justice of the peace. *Comb. 183. Carpenter and Adams.* At least it may be safe to have such warrant, especially if any houses are to be entred and searched.

For it would give too great a power to the gamekeepers, to leave it in their discretion to search what places they shall think proper, as also to constitute them the judges whether such or such a person is or is not qualified to kill game. Therefore it is best to have a warrant from a justice of the peace, after information and oath of the offence first made.

III. Qualification by estate or degree to kill game; with the punishment of persons unqualified.

The qualification by estate for killing game, in the reign of K. Richard the second, was 40 *s.* a year; in the reign of K. James the first it was advanced to 10 *l.* a year, and after that in some instances to 40 *l.* a year; and at last in the reign of K. Charles the second it was raised to 100 *l.* a year. Not that the laws have become gradually more severe; but as the value of money decreased, the qualification was raised in proportion, the estate continuing nearly the same; for an estate of 40 *s.* a year in the reign of K. Richard the second was not much inferior to an estate of 100 *l.* a year in the reign of K. Charles the second. And the penalty for destroying the game was even more severe then than it is now; as I shall shew. For as those ancient laws relating to the game are still in force, and are generally enacted so to be by the subsequent statutes, it will be necessary in order to have a thorough knowledge of this matter to insert them in their order; because the penalties

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a copy of the original letter, and is signed by Abraham Lincoln.

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nalties on each being different, the prosecutor or justices may chuse which of them they will convict an offender upon. Thus by the statute of the 5 A. hereafter following, if a person not having 100*l.* a year shall keep dogs or engines to destroy the game, he shall forfeit 5*l.* but if such person have not 40*s.* a year, he may upon the statute of R. 2. be punished by a year's imprisonment; and so of the rest: provided that no person be prosecuted upon more than one act for one offence.

1. The first qualification relating to the game, was in the 13th 40*s.* a year. year of the reign of R. 2. by which it is enacted, that no layman which hath not lands or tenements of 40*s.* a year, nor clergyman if he be not advanced to 10*l.* a year, shall have or keep any greyhound, hound, nor other dog to hunt; nor shall use fyrets, heys, nets, harepipes, nor cords, nor other engines for to take or destroy deer, hares, nor conies, nor other gentlemens game: on pain of a year's imprisonment. And the justices of the peace (that is, in their sessions) shall enquire of the offenders in this behalf, and punish them by the pain aforesaid. 13 R. 2. *f.* 1. c. 13.

2. The next qualification by estate or degree to kill game, was 10*l.* a year. by a statute in the 1 J. whereby it is enacted, that every person who shall keep any greyhound for coursing of deer or hare, or setting dog or net to take pheasants or partridges (except he be seised, in his own right or the right of his wife, of 10*l.* a year estate of inheritance, or 30*l.* a year of a lives estate, or goods to the value of 200*l.* or be the son of a knight or lord, or the son and heir apparent of an esquire) and be thereof convicted, by confession, or oath of two witnesses, before two justices, he shall be committed to gaol three months, unless upon conviction he pay 20*s.* to the churchwardens for the use of the poor, or after one month after his commitment he become bound by recognizance with two sureties before two justices, in 20*l.* a piece, not to offend again in like manner. 1 J. c. 27. *f.* 3.

3. The next qualification relates to deer and conies only, in the 40*l.* a year. 3 J. c. 13. by which it is enacted, that if any person not having hereditaments of 40*l.* a year, or not worth in goods 200*l.* shall use any gun or bow to kill any deer or conies; or shall keep any buckstall, nets, or coney dogs (except he have grounds inclosed, and used for the keeping of deer or conies, the increasing of which said conies shall amount to the value of 40*s.* a year; or keepers or warreners in their parks, warrens, or grounds); in such case, any person having lands or hereditaments of 100*l.* a year in fee, or for life, in his own right or the right of his wife, may take from such person to his own use for ever such guns, bows, buckstalls, nets, and coney dogs. 3 J. c. 13. *f.* 5.

4. The next qualification relates to pheasants and partridges 40*l.* a year. only, and is as follows: Every free warrener, lord of a manor, or freeholder seised in his own or his wife's right, of 40*l.* a year of inheritance, or lives estate of 80*l.* or worth in goods 400*l.* may take pheasants and partridges (in the day time only) in his own free warren, manor, or freehold, betwixt Michaelmas and Christmas yearly. 7 J. c. 11. *f.* 7.

5. The

100l. a year.

5. The last general qualification by estate or degree to kill game, and which is now most to be regarded, is in the 22 & 23 C. 2. c. 25. by which it is enacted, that every person, not having lands and tenements, or some other estate of inheritance, in his own or his wife's right, of the clear yearly value of 100l. per annum, or for term of life, or having lease or leases of 99 years, or for any longer term, of the clear yearly value of 150l. (other than the son and heir apparent of an esquire, or other person of higher degree, and the owners and keepers of forests, parks, chases, or warrens, being stocked with deer or conies for their necessary use, in respect of the said forests, parks, chases, or warrens) is hereby declared to be a person by the laws of this realm, not allowed to have or keep for himself or any other person, any guns, bows, greyhounds, setting dogs, ferrets, coney dogs, lurchers, hays, nets, lowbels, barepipes, gins, snares, or other engines for the taking and killing of game. f. 3.

Searching for
dogs and engines.

6. And the gamekeeper, or any other person (authorized by warrant (B) of a justice of the peace) may in the day time search the houses, outhouses, or other places of any such person prohibited by this act to keep or use the same, as upon good ground shall be suspected to have or keep in his custody any guns, bows, greyhounds, setting dogs, ferrets, coney dogs, or other dogs to destroy hares or conies, hays, trawls, or other nets, lowbels, barepipes, snares, or other engines aforesaid, and the same to seize, and keep, for the use of the lord of the manor, or otherwise to cut in pieces or destroy. 22 & 23 C. 2. c. 25. f. 2.

20s. penalty for
keeping dogs and
engines.

7. And if any unqualified person shall have, keep, or use any bows, greyhounds, setting dogs, ferrets, coney dogs, hays, lurchers, nets, tunnels, lowbels, barepipes, snares, or any other instruments for destruction of fish, fowl, or other game; and shall not give a good account before a justice, to the satisfaction of such justice how he came by the same, or else shall not in some convenient time (to be set by such justice) produce the party of whom he bought the same, or some other credible person to depose upon oath such sale thereof; he shall forfeit for every offence not under 5s. nor above 20s. half to the informer, and half to the poor, by distress; for want of distress, to be committed to the house of correction, not more than one month, nor less than ten days, there to be whipt and kept to hard labour. And if any person so produced or charged with the said offence, shall not before the justice give such evidence of his innocence as aforesaid, he shall be convicted thereof in the same manner as the person first charged therewith, and so from person to person till the first offender be discovered. 4 & 5 W. c. 23. f. 3.

And all lords of manors and their gamekeepers may within their manors oppose and resist such offender, in the night time, in the same manner as if the fact had been committed in any ancient chase, park, or warren inclosed. f. 4.

And no *certiorari* shall be allowed to remove any conviction, unless the party first become bound to the prosecutor in 50l. with such sufficient sureties as the justice shall think fit, to pay within a month after the conviction confirmed, or *procedendo* granted, full costs

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costs and charges; and in default thereof, the justice shall proceed to the execution of the conviction. *f. 7.*

8. But by a subsequent statute 5 *An. c. 14.* *If any person, not qualified by the laws of this realm so to do, shall keep or use any greyhounds, setting dogs, bays, lurchers, tunnels, or any other engines to kill and destroy the game, and shall be thereof convicted (C D) on the oath of one credible witness, before one justice, he shall forfeit 5l. half to the informer, and half to the poor, by distress (E); for want of distress, to be sent to the house of correction (F) for three months for the first offence, and for every other offence four months:*

5l. penalty for keeping dogs and engines; and the same to be seized.

And any justice, and lord within his manor, may take away such dogs, nets, or other engines, which shall be in the power or custody of any person not qualified. f. 4.

Not qualified by the laws of this realm] On a conviction on this statute, exception was taken, that the defendant not being a person so and so qualified, and enumerating distinctly the several qualifications in 22 & 23 C. 2. omitted a new qualification allowed by this act, namely, that he was not a person authorized by a lord (or lady) of a manor to kill game for his use. And by the court; Had it been generally laid thus, that he not being a person qualified according to law, and so on, it had been enough; but the qualifications being distinctly and severally mentioned, the omission of one is fatal. 10 *Mod. 26. T. 10 An. 2. and Matthews.*

But in the case of *K. and Marriott, M. 4 G.* There was a conviction for keeping a greyhound; reciting that one *William Toune* came and informed, that the defendant being a person not qualified to keep a greyhound, did nevertheless keep one at such a place, and therewith killed several hares; and that he being summoned did appear, and being asked what he had to say, offered nothing in excuse, and therefore the justice convicted him. It was objected, that the justice should set out, why the defendant is not a qualified person, as that he is not the son of an esquire, nor has 100*l.* a year in his own or his wife's right: For he ought not to make himself the sole judge, but give the reasons at large. *Parker Ch. J.* seemed to think the conviction would be good, having followed the words of the statute, and that if the defendant was qualified, he ought to have shewn it before the justice, being summoned for that purpose. *Eyre J.* started an objection, that it was not the justice that had taken upon him to say the defendant was not qualified; but only the witness; for the conviction runs, that the witness being sworn saith, that the defendant *being a person no way qualified* did such a day keep a greyhound; so that it appears, the witness has given the law to the justice, and takes upon himself to judge of the defendant's qualifications, and the justice is only made use of as an instrument, to reduce the opinion of the witness into a conviction. By *Parker Ch. J.* the *being not qualified* should be the conclusion of the justice, and not the words of the witness; for he ought not to swear generally a man is not qualified, and such a general proof will not be good: This is only an invention, to support a conviction in

general terms, which would be bad if the particular facts were alledged. *Pratt J.* Where the justices have a summary jurisdiction, and no appeal lies (as in this case), we must keep them up strictly to the law; and I should be glad if we could make them set out the whole particularly. The case was adjourned. And afterwards *Pengelly* serjeant mentioned two cases, *Q. and Hayward, E. 12 An.* There it was, *not being qualified, licensed, or authorized to keep any engine*; and it was quashed. The other was the same term, and quashed, because no qualifications were mentioned. And towards the end of the term this conviction was quashed; and the principal reason declared to be, because the witnesses had taken upon themselves, to judge of the qualifications. *Str. 66.*

And in the case of *K. and Bryan, M. 12 G. 2.* which was a conviction on the gin act, exception was taken, that there was no averment, that it was not sold to be used in medicine: and the cases on the game act were mentioned, where in convictions it is necessary to exclude all the qualifications for killing game. On the other hand, it was insisted, that the reason of that was, because those were in the enacting clause, whereas this about medicine comes in by way of proviso, and is by way of defence to be shewn on the defendant's part. And for that purpose was cited *K. and Theed, M. 11 G.* where in a conviction for obstructing an excise officer on the *8 An. c. 9.* it was objected, that it not being averred to be in the day, it should have been shewn that there was a constable present, which is made necessary in the night; but it was held to be well, and that its being in the night should have been shewn on the defendant's part. And by the court, This is brought within the general enacting clause: and the true distinction is, where the extenuation comes in by way of proviso, or exception. And the conviction was confirmed. *Str. 1101.*

Nevertheless, after all, perhaps it may require some consideration, whether it may not be most fitting, that the qualification, if there is any, should come from the defendant himself, when he is asked what he hath to say, why he should not be convicted. For it seemeth ordinarily impossible for a witness to swear to so many negatives as are implied in the want of a qualification; as that the person had not then 100 *l.* a year of freehold, nor 150 *l.* a year held by lease for 99 years or upwards; that he was not, at the time of the offence committed, son and heir apparent of an esquire or person of higher degree; nor the keeper of any forest, park, chase, or warren; nor gamekeeper to a lord or lady of a manor. Which particulars may cause it to be necessary, for the witness to have seen the rent roll of such person's estate, and his title deeds, and to understand the nature and law of tenures, and what annuities, rent charges, or other incumbrances do affect such estate; also it may require some knowledge of heraldry and pedigrees, so far forth as to know, who shall or shall not be deemed an *esquire* (which perhaps may puzzle a wiser man than a common informer), or person of higher degree, and whether or no the defendant is son and heir apparent to any such person; also

it may be requisite for the witness to know, what by any ordinary means he cannot come to the knowledge of, namely, that the defendant is not keeper of the forest, park, chase, or warren within which the game might be killed, and what are the boundaries of such forest, chase, or warren; and he must have attended the keeper of the rolls of the quarter sessions, to know whether the defendant is not inrolled gamekeeper of the manor within which such game might be killed, and whether there is any other inrolled before him for killing game within the same manor, and must know also what are the boundaries of such manor. These and many other such like particulars may happen to be included, in that general swearing that a person is not qualified to kill game. Therefore it should seem to be sufficient, that the witness swear to the fact only of killing game, or keeping instruments so to do, and consequently to set forth that and no more in the conviction, but that further the defendant did alledge nothing in his defence, why he should not be convicted; or if he pleaded any thing of qualification, then to set forth that also specially, that the court may judge thereupon, whether or no he was qualified by the laws of this realm.

Shall keep or use] *H. 8 G. K. and Filer.* Conviction for *keeping* a lurcher to destroy game, not being qualified. Exception was taken, that it was not shewn he *used* the dog to destroy game; and it may be he only kept it for a gentleman who was qualified, it being common to put out dogs in that manner. But by the court, The statute is in the disjunctive, *keep or use*; so that the bare *keeping* a lurcher is an offence; and so it was determined in the case of *K. and King, E. 3 G.* which was a conviction for keeping a gun; and it was not doubted by the court, whether the *keeping* was not enough to be shewn, but the only question they made was, whether a gun was such an engine as is within that statute: and in that case a difference was taken, as to the keeping a *dog*, which could only be to destroy the game; and the keeping a *gun*, which a man might do for the defence of his house. And the conviction was confirmed. *Str. 496.*

Use] In the case of *K. and King* aforesaid, *Parker Ch. J.* said, that walking about with intent to kill game, is evidence of *using* the instrument for that purpose. *Sess. C. V. 1. 88.*

Any greyhounds, setting dogs, hays, lurchers, tunnels, or any other engines] *H. 13 G. 2. Hooker and Wilks.* An action of debt was brought on the 8 G. c. 19. for the penalty of 30 *l.* by using a *hound* to destroy game. And after a verdict for the plaintiff, the judgment was arrested; for the statute of the 5 *An. c. 14.* has not the word *hound*, and the words *other engines* come after *nets*, and are applicable only to inanimate things. And this being a penal law, cannot be extended. The statute of the 22 & 23 C. 2. c. 25. has indeed general words, *or any other dogs to destroy game*; but this is not a conviction on that statute. *Str. 1126.*

Nor indeed could it have been a conviction on that statute, for any penalty in certain for killing and destroying the game; for

the statute of the 22 & 23 C. 2. doth not inflict a general penalty, upon persons unqualified who shall kill and destroy the game; but only declares, who shall or shall not be deemed unqualified; and gives power to lords of manors and their gamekeepers to seize the dogs, nets, and other engines of such unqualified persons. But if the defendant did kill the game, and had the same in his custody; he might have been prosecuted for the penalty of 20*s.* for such offence, by the statute of the 4 & 5 W. hereafter following.—But then the consequence of all this will be, that it is not penal barely to *keep a bound* on this statute of the 5 *An.* but if any unqualified person shall do so, the gamekeepers or others, authorized by a justice's warrant, may seize and keep or destroy the same, by the aforesaid statute of the 22 & 23 C. 2.

Any other engines] T. 11 G. 2. K. and Gardiner. It was moved to quash a conviction, for unlawfully having and keeping a *gun*, being an engine or instrument for destroying the game. And it was urged, that this is no sufficient charge within this act, or any other of the laws relating to the game: For it is not said, that the defendant *used* the gun for the destruction of game; and a gun is not an instrument so far appropriated to killing game, as that it is criminal for a person to have one in his custody only: And it would have been altogether as well, if it had been said, that the defendant had in his custody a *cane* for the destruction of the game, which may possibly be used for that purpose. The only offences intended to be prevented by the act are, the keeping of engines appropriated to, and which can only be used in, the destroying of game. A gun is an engine, not for killing the game, but for the defence of a man's house. And the whole court were clearly of opinion, that this conviction is not good. For (as they argued) if the statute is to be construed so largely, as to extend to the bare having of any instrument, that may possibly be used in destroying game, it will be attended with very great inconvenience; there being scarce any, though ever so useful, but what may be applied to that purpose. And though a gun may be used in destroying game, and when it is so, doth then fall within the words of the act; yet as it is an instrument proper, and frequently necessary to be kept and used for other purposes, as the killing of noxious vermin, and the like, it is not the having a gun, without applying it in the destruction of game, that is prohibited by the act: but otherwise it is of lurchers, harepipes, and such like, which are peculiarly fitted or disposed for killing game. The bare *keeping* of these for the purpose of killing game, is sufficient to convict an offender, and it will be incumbent upon the defendant himself to prove, that he kept them for other purposes. And the conviction therefore was quashed. After which, *Strange* solicitor general said, that in the case of *K. and King*, E. 3 G. Lord *Macclesfield* said, that he was in the house of commons when this act was made, and he himself objected to the inserting of the word *gun* therein, because it might

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be attended with great inconvenience. *Andr.* 255. *Seff. C. V.* 2. 204. *Str.* 1098.

And indeed it was not at all necessary to insert a gun in this act; since the carrying of a gun is prohibited under double the penalty, by the statute of *H.* 8. hereafter following.

And shall be thereof convicted] *H.* 6 *G. K.* and *Johnson*. Conviction for keeping a gun, not being qualified. Exception was taken, that here was not a reasonable summons; for it was made on the fifth of *October*, to appear the same day, which might be impossible upon account of distance, or the summons being served late, and his witnesses might not be got together on so short a warning: then it is to appear at the parish aforesaid, whereas there are two parishes mentioned before; so the man may have gone to one, whilst they were convicting him at the other. It was answered, that the defendant appeared at the time and made defence, so that cures all defects in the summons. And by the court, The answer is right. *Str.* 261.

On the oath of one credible witness] *H.* 9 *G. K.* and *Gage*. The defendant was convicted for using a greyhound in killing hares. Exception was taken to the conviction, that the statute hath only given the justices jurisdiction to convict upon the oath of one or more credible witnesses, whereas this was upon his own confession, which it was insisted the justices had no power to take. But by the court, The conviction must be confirmed. The intent of mentioning the oath of one witness, was only to direct the justices, that they should not convict on less evidence: suppose the confession had not been before the justices, but before two witnesses who had sworn it; that would be convicting him on the oaths of witnesses, and yet the evidence would not be so strong as this. Here the justices had a better evidence, than the oath of any single witness; and it is a monstrous thing to say, that a better sort of evidence shall not do. *Str.* 546.

Credible witness] *M.* 2 *G. 2. K.* and *Stone*. A conviction was quashed, because the informer was the witness; divers convictions having been quashed for the same reason before. *L. Raym.* 1545. The same adjudged in the case of *K.* and *Blaney*, *T.* 11 *G. 2.* *Andr.* 240.

Before one justice] *H.* 12 *G. K.* and *Buck*. It was moved, to quash an indictment for killing a hare, this not being a matter indictable, the statute appointing a summary proceeding before justices of the peace; and a case was cited *K.* and *James*, *T.* 1 *G.* where an indictment for keeping an alehouse was quashed, because the statute of the 3 *C. c. 3.* had directed a particular remedy. And by the court, The indictment must be quashed. *Str.* 679.

Shall forfeit 5 l.] *T.* 10 *An. Q.* and *Matthews*. On a conviction, exception was taken, that the person was charged with so many 5 l. as he had killed hares in the same day. And the court was of opinion, that the offence for which the statute gave the forfeiture, was the keeping dogs and engines, and not killing the

the hares. If a man not qualified goes a hunting, and kills never so many hares on the same day, he would forfeit but one 5 *l.* for it is but one offence; but if a man keeps dogs, and goes a hunting several days, and kills hares, if it was thus laid, that he such a day kept dogs and killed, and then again such a day, by laying thus severally, the offence is severed, and he shall forfeit 5 *l.* for each offence. 10 *Mod.* 26.

By distress } *T. 9 G. K. and Burchett.* The court ordered an attachment (unless cause shewn) against the town clerk of *Guildfold*, and a defendant convicted on the game act, for granting and suing out a replevin of goods distrained for the penalty. But on shewing cause the next term, when *Eyre J.* only was present, he discharged the rule, because it was only a contempt to the inferior jurisdiction of the justices, and in that case the king's bench never interposes. *Str.* 567.

For want of distress, to be sent to the house of correction } *T. 12 G. Hill and Bateman.* Before *Raymond Ch. J.* at *Westminster*. The defendant *Bateman*, being a justice of the peace, had convicted the plaintiff for destroying game, and though (as it was proved) the plaintiff had effects of his own, which might have been distrained, which were sufficient to answer the penalty he had incurred, yet the defendant sent him immediately to *Bridewell*, without endeavouring to levy the penalty upon his goods: and an action of trespass and false imprisonment being brought against *Bateman* for this commitment, the chief justice was of opinion, that the action well lay. And it was agreed, that where actions of this kind are brought against justices of the peace, they are obliged to shew the regularity of their convictions; and the informations, &c. laid before them, upon which their convictions are grounded, must be produced and proved in court. *Str.* 710.

*And [no] certiorari shall be allowed to remove the conviction or other proceedings on this act, unless the party convicted shall before the allowance thereof become bound (G) to the prosecutor in 50 *l.* with such sureties as the justice shall think fit, to pay full costs and charges in 14 days after the conviction [confirmed], or procedendo granted. And in default thereof, the justice shall proceed in execution of the conviction in such manner as if no certiorari had been awarded.* 5 *An. c.* 14. *f.* 2.

Note; The word [*no*] is inserted instead of the words [*if any*] which are in the act, since that word seemeth necessary to make up the sense; and the word [*confirmed*] is added for the like reason. And indeed there have been too many inadvertencies in the drawing up of this act; for there is false grammar in no fewer than six places, besides other mistakes.

Search for game; with 20 *s.* penalty for having it. 9. *And the constable, authorized by a justice's warrant, shall enter into and search (in such manner and with such power as in case where goods are stolen, or suspected to be stolen) the houses, outhouses, or other places belonging to such houses of suspected persons not qualified: And if any hare, partridge, pheasant, pigeon, fish, fowl, or other game, shall (upon such search, or otherwise) be found, the offender shall be carried before a justice; and if such person do not give*

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a formal address, and it begins with the words "My countrymen, in this new year, I have the honor to address you."

2. The second part of the document is a report from the Secretary of the Treasury, dated January 1, 1861. It is a formal report, and it begins with the words "I have the honor to acknowledge the receipt of your letter of the 28th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration."

3. The third part of the document is a report from the Secretary of the Interior, dated January 1, 1861. It is a formal report, and it begins with the words "I have the honor to acknowledge the receipt of your letter of the 28th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration."

4. The fourth part of the document is a report from the Secretary of the War, dated January 1, 1861. It is a formal report, and it begins with the words "I have the honor to acknowledge the receipt of your letter of the 28th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration."

5. The fifth part of the document is a report from the Secretary of the Navy, dated January 1, 1861. It is a formal report, and it begins with the words "I have the honor to acknowledge the receipt of your letter of the 28th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration."

6. The sixth part of the document is a report from the Secretary of the State, dated January 1, 1861. It is a formal report, and it begins with the words "I have the honor to acknowledge the receipt of your letter of the 28th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration."

7. The seventh part of the document is a report from the Secretary of the War, dated January 1, 1861. It is a formal report, and it begins with the words "I have the honor to acknowledge the receipt of your letter of the 28th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration."

8. The eighth part of the document is a report from the Secretary of the Navy, dated January 1, 1861. It is a formal report, and it begins with the words "I have the honor to acknowledge the receipt of your letter of the 28th inst., and in reply to inform you that the same has been forwarded to the proper authorities for their consideration."

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give a good account how he came by the same, such as shall satisfy the said justice, or else shall not in some convenient time, to be set by the justice, produce the party of whom he bought the same, or some other credible person to depose upon oath such sale thereof, he shall be convicted by the said justice of such offence, and upon such conviction shall forfeit for every hare, partridge, pheasant, fish, fowl, or other game, any sum not under 5s. and not exceeding 20s. half to the informer, and half to the poor, by distress; for want of distress, to be committed to the house of correction not more than one month, nor less than ten days, there to be whipt and kept to hard labour. 4 & 5 W. c. 23. s. 3.

Or other game] Rabbits killed in a private warren, are not game within this act. L. Raym. 151.

For every hare, fish, fowl, or other game] These words are very penal.

And if any person so produced, or charged with the said offence, shall not before the justice give such evidence of his innocence as aforesaid, he shall be convicted thereof in the same manner as the person first charged therewith, and so from person to person till the first offender be discovered. id. s. 3.

And no certiorari shall be allowed to remove any conviction, unless the party first become bound to the prosecutor in 50l. with such sufficient sureties as the justice shall think fit, to pay within a month after the conviction confirmed or procedendo granted, full costs and charges; and in default thereof, the justice to proceed to the execution of the conviction. id. s. 7.

10. If any higler, chapman, carrier, innkeeper, victualler, or alchouse-keeper, shall have in his custody or possession, or shall buy, sell, or offer to sell any hare, pheasant, partridge, moor, heath-game, or grouse, unless such game in the hands of such carrier be sent up by some person qualified; (or, if any person whatsoever, whether qualified or not, shall sell, expose, or offer to sale any hare, pheasant, partridge, moor, heath-game, or grouse, 28 G. 2. c. 12.) he shall be carried before a justice where the offence is committed (H); and being convicted thereof (in three months after the offence) on view, or oath of one witness, he shall forfeit for every hare, pheasant, partridge, moor, heath-game, or grouse, the sum of 5l. half to the informer, and half to the poor, by distress (I); for want of distress, to be committed (K) to the house of correction for the first offence three months, and for every other offence four months. 5 An. c. 14. s. 2.

Carriers having game.

Convicted—on view, or oath of one witness] Confession, tho' not mentioned in the statute, being stronger evidence than the oath of one witness, was adjudged to be good. H. 9 G. K. and Gage. Dalt. 109, 162.

And no certiorari shall be allowed to remove the conviction or other proceedings, unless the party convicted shall before the allowance thereof, become bound to the prosecutor in 50l. with such sureties as the justice shall think fit, to pay full costs in 14 days after the conviction confirmed, or procedendo granted. And in de-

fault thereof, the justice shall proceed in execution of the conviction, in such manner as if no certiorari had been awarded. 5 An. c. 14. f. 2.

And if any hare, pheasant, partridge, moor, heath-game, or grouse, shall be found in the shop, house, or possession of any poulterer, salesman, fishmonger, cook, or pastry cook, or of any person not qualified in his own right to kill game, or intitled thereto under some person so qualified, it shall be deemed an exposing thereof to sale. 9 An. c. 25. f. 2. 28 G. 2. c. 12.

Found in the shop] This must be understood of proof that it was found. 2. and George, 6 Mod. 57.

And any justice of the peace, and lord within his manor, may take away any such hare, pheasant, partridge, moor, heath-game, or grouse, or any other game, from any such higler, chapman, innkeeper, victualler, or carrier, or any other person not qualified, which shall be found in his custody or possession. 5 An. c. 14. f. 4.

And any person that shall destroy, sell, or buy any hare, pheasant, moor, heath-game, or grouse, and shall in three months make discovery of any higler, chapman, carrier, innkeeper, alchousekeeper, or victualler, that hath bought or sold, or offered to buy or sell, or had in their possession any hare, pheasant, partridge, moor, heath-game, or grouse, so as any one shall be convicted; such discoverer shall be discharged of the pains and penalties hereby enacted for killing or selling such game, and shall receive the same benefit as any other informer. 5 An. c. 14. f. 3.

Inferior tradesmen killing game.

11. And whereas great mischiefs do ensue by inferior tradesmen, apprentices and other dissolute persons, neglecting their trades and employments, who follow hunting, fishing, and other game, to the ruin of themselves, and damage of their neighbours, therefore if any such person shall presume to hunt, hawk, fish, or fowl (unless in company with the master of such apprentice duly qualified); he shall not only be subject to the other penalties, but if he be prosecuted for trespass, in coming on any person's land, and be found guilty, the plaintiff shall not only recover damages against him, but full costs. 4 & 5 W. c. 23. f. 10.

Soldiers.

12. By the yearly mutiny acts, if any officer or soldier shall, without leave of the lord of the manor under his hand and seal, destroy any hare, coney, pheasant, partridge, pigeon, or other fowl, poultry, or fish, or his majesty's game, and be convicted thereof, on oath of one witness, before one justice; every officer so offending shall forfeit 5 l. to the poor, and the commanding officer upon the place, for every offence committed by any soldier under his command, shall forfeit 20 s. in like manner. And if, upon conviction by the justices, and demand thereof made by the constable or overseers of the poor, he shall not in two days pay the said penalties, he shall forfeit his commission.

The statute of 33 H. 8. concerning guns.

13. Here next followeth the statute of the 33 H. 8. c. 6. concerning guns: by which it is enacted as follows;

(1) No person, except he in his own right, or in the right of his wife, or some other to his use, have lands, tenements, fees, annuities, or offices, to the yearly value of 100 l. shall shoot in any

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1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them. The list includes names such as "John A. Smith", "Mary E. Jones", and "Robert L. Brown".

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TO THE HONORABLE MEMBERS OF THE HOUSE OF REPRESENTATIVES

OF THE STATE OF NEW YORK:

IN SENATE,

JANUARY 10, 1896.

PUBLISHED BY THE CLERK OF THE SENATE.

ALBANY: JAMES BRADY, PRINTER.

1896.

any cross bow, hand gun, hagbut, or demihake, otherwise than as hereafter is expressed; on pain of 10*l.* to be levied and disposed of in any of the three ways hereafter mentioned.

(2) And no person, of what estate or degree soever, shall shoot in, carry, keep, use, or have in his house or elsewhere, any hand-gun, not being in the stock and gun of the length of one yard; or any hagbut or demihake, not being in the stock and gun of the length of three quarters of a yard; on the like pain of 10*l.*

And every person having 100*l.* a year as above, may seize every such cross bow; and every such hand-gun, hagbut, and demihake being so deficient in length; and he may keep the cross bow to his own use; but he shall in 20 days after seizure break and destroy the hand-guns, hagbuts, and demihakes, on pain of 40*s.* in like manner, for every gun so seized, and not broken and destroyed; and the same so broken and destroyed he may keep to his own use.

(4) And no person, not being qualified as above, shall carry or have in his journey, going or riding in the king's highways or elsewhere, any cross bow bent, or gun charged or furnished with powder, fire, or touch for the same, except in time and service of war; on pain of 10*l.* in like manner.

(5) And no person shall shoot with any hand-gun, demihake, or hagbut, at any thing at large, within any city, borough, or market town, nor within a quarter of a mile of the same, except it be at a butt or bank of earth in place convenient, or for defence of his person or house; on pain of 10*l.* in like manner.

(6) And no person shall command his servant to shoot in any cross bow, hand-gun, hagbut, or demihake, at any deer, fowl, or other thing, except only at a butt or bank of earth, or in time of war; on pain of 10*l.* in like manner.

(7) But all gentlemen, yeomen, and servingmen of lords, knights, esquires, and gentlemen; and all inhabitants of cities, boroughs, and market towns, may shoot with any hand-gun, demihake, or hagbut, of the length as above, but not under, at any butt or bank of earth, in place convenient.

And every such lord, knight, esquire, gentleman, and inhabitant of cities, boroughs, and market towns, may have and keep in their houses any such hand-gun, hagbut, or demihake, of the length aforesaid, to the intent only to use or shoot in the same at a butt or bank of earth.

And every person inhabiting in a house two furlongs from any city, borough, or town, may keep and have in his house, for the only defence of the same, hand-guns, hagbuts, and demihakes, of the length abovementioned; and to use and exercise to shoot in the same at any butt or bank of earth near to his house, and not otherwise.

And except makers and sellers of the same, having them for that purpose only, and being of the length above.

Also this act shall not extend to persons inhabiting within five miles of the sea; so that they shoot not at any deer, heron, shovellard, pheasant, partridge, wild swine, or wild elk.

Also

Also this act shall not extend to servants carrying the same by their masters command, so that they shoot not at any game.

Nor to any owner of a ship for having or keeping them, of what length soever, to be used in the ship only.

(Nor to persons licensed by the sessions to shoot hawks meat, so as they shoot no game, and so that they shoot not within 600 paces of a hernery, nor within 100 paces of a pigeon house, nor in another man's park, forest, or chase. 1 J. c. 27. f. 7.

And except the sheriff, who may carry a gun in the execution of his office. 5 Co. 72.)

(8) And if any person see or find any one offending or doing contrary to this act, he may arrest, and bring or convey him to the next justice of the county where he is found offending; who shall upon *due examination and proof* thereof made before him, by his discretion have full power to commit (L) the offender to the next gaol, there to remain till such time as the said penalty or forfeiture shall be truly contented and paid by the said offender; half to the king, and half to the first bringer or conveyer of the said offender to the justice.

Which *due examination and proof* aforesaid, is intended not to be by a jury, but by witnesses. 1 Ventr. 33.

Mr. Dalton says, forasmuch as in this case the justice hath the whole matter committed to himself, and the offenders remain convicted upon his examination and proof of witness made before him; therefore he ought to be circumspect in his examination, as also in his mittimus; and farther to make a record (M) of the matter, in writing under his hand, and also to send the estreat of it into the exchequer, whereby the king's duty may be levied. Dalt. c. 47.

In the conviction, it is not sufficient to say generally that he had not 100*l.* a year, but the time must be certainly alledged, namely, that the defendant on the day and year aforesaid (when the offence was committed) had not 100*l.* a year. 3 Mod. 280.

And upon such conviction, it hath been adjudged, that a writ of error doth not lie. 1 Ven. 33.

(9) Also the justices in sessions may inquire of, hear and determine the said offences, so that no less fine than 10*l.* be assessed upon *presentment* and conviction, to be levied in such case to the king's use only.

And this may also be upon *indictment*. Dalt. c. 47.

And if the jury shall wilfully conceal any the said offences, the court may charge another jury to enquire of such concealment; and if it be so found, the first jury shall forfeit to the king every one 20*s.*

(10) Also the leet may inquire of, hear and determine the same; in which case, half the forfeiture shall upon *presentment* and conviction be levied to the king's use; and one moiety of the other half to the owner of the leet, by distress or action of debt; and the other moiety to him that will sue in any of the king's courts.

And if the jury shall wilfully conceal an offence, the steward may charge another jury to enquire of the concealment; and if it be

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be found, the first jury shall forfeit 20 s. each; half to the owner of the leet, by distress or action of debt; and half to him that shall sue in any of the king's courts.

(11) But no person shall be prosecuted but within a year, if it is by the king; and within half a year, if by any other person.

IV. Laws for preserving the four footed game in particular.

Which said laws, as hath been said, do seem to concern all persons whatsoever, whether qualified or not.

Now the four footed game, or the game of beasts, are of three kinds, *viz.*

I. Deer.

II. Hares.

III. Conies.

I. Of deer.

There have been many laws from time to time enacted against deer stealers; which being not so much altered, as enforced by the subsequent statutes, except only in increasing the penalties, it may be proper to insert them all in their order; and the rather, because an offender, as it seemeth, may still be convicted upon any one of them; and it is generally provided, that such conviction upon one statute, shall be as a bar to all the rest.

1. The first statute is in the 3 Ed. 1. c. 20. which enacts, that *if trespassers in parks* be thereof attainted at the suit of the party, Three years imprisonment and fine. great and large amends shall be awarded according to the trespass, and they shall have three years imprisonment, and after shall make fine at the king's pleasure (if they have whereof,) and then shall find good surety that after they shall not commit the like trespass: and if they have not whereof to make fine, after three years imprisonment, they shall find like surety; and if they cannot find like surety, they shall abjure the realm. And if none sue within the year and day, the king shall have the suit.

Trespassers] This is, when a man either chafeth in a park, or endeavours to kill some of the game thereof. 2 *Inst.* 199.

In parks] This act, because it is very penal, is to be understood, not of a nominal park erected without warrant, but of a lawful park only, whereunto three things are required, 1. A liberty, either by grant or prescription. 2. Inclosure, by pale, wall or hedge. And 3. Beasts savages of the park. 2 *Inst.* 199.

2 The next statute is that intituled *De malefactoribus in parcis*, They may be lawfully resisted. 21 Ed. 1. ft. 2. which enacts, that if any forester, or parker, shall find any trespassers wandering within his liberty, intending to do damage therein, and that will not yield themselves after hue and cry made to stand unto the peace, but do continue their malice, and disobeying the king's peace do flee, or defend themselves with force and arms; altho' such forester, parker, or their assistants,

sistants, do kill such offenders, they shall not be troubled upon the same.

By night, or disguised, and concealing the same; felony.

3. The next statute makes hunting by night, or in disguise, and concealing the same, felony; but within the benefit of clergy; as follows;

When *information* shall be made, of any unlawful hunting, in any *forest or park*, by night, or with painted faces, to any of the king's counsel, or to a justice of the peace, of any person to be suspected thereof, he may make a warrant to take and arrest the person, and to have him before the maker of the warrant, or any other of the said counsel, or justices of the peace: who may by their discretion examine him of the said hunting, and of the said doers in that behalf: And if the same person *wilfully conceal* the said huntings, or any person with him defective therein, that then the same concealment be, against every such person so concealing, felony. But if he then confess the truth, and all that he shall be examined of, and knoweth in that behalf, then the said offences of hunting by him done, shall be but trespasss finable at the next general sessions. And if any rescous or disobedience be made to any person having authority to execute the warrant, by any person the which so should be arrested, so that the execution of the warrant thereby be not had, then the said rescous and disobedience shall be felony. And if any person shall be convicted of any such huntings, with painted faces, vizors, or otherwise disguised, to the intent they should not be known, or of unlawful hunting in time of night, then the same person so convicted, to have like punishment as he should have if he were convicted of felony. 1 H. 7. c. 7.

When information shall be made] This information must shew at least just cause of suspicion; and it must be taken in writing, because it is the ground of the warrant. 3 Inst. c. 21.

In any forest or park] This doth not extend to a chase, nor to any forest or park in use or reputation, which are not so in law. 3 Inst. c. 21.

Wilfully conceal] Lord Coke, who is a lover of the common law, and is jealous of every violation of it, seemeth to be out of humour with this act, and calls it an ill-penned law. He observes it is the first that was made for the making of any hunting felony, against that excellent and equal branch of *charta de foresta*, *nullus de cetero vitam vel membra amittat pro venatione nostra*; and that this, and other old statutes concerning the forest, are called the good old laws and customs, and commanded to be observed; and therefore this new act is too severe for wild beasts, whereof there can be no felony at the common law. And therefore the judges (he says) have made a favourable construction of it, as is set forth in the following notable report:

M. 19 & 20 El. In the king's bench. Gerrard the queen's attorney general (who was a grave and reverend man) said openly, that it had been resolved by the judges upon this statute, that if a man in the night, or by day with painted face, do hunt as above, and being examined according to the act doth *conceal* it, yet this is upon

the church is not a mere collection of individuals, but a living organism, the body of Christ, which is the church.

It is the church which is the body of Christ, and it is the church which is the body of Christ, and it is the church which is the body of Christ.

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upon the construction of the whole act no felony. For the first clause concerning the concealment, and the last clause concerning the fact it self, must be coupled or joined by construction together; that is to say, If any person be convict of such hunting with painted face, or of unlawful hunting in the night, this conviction must be upon not guilty pleaded; which the judges expounded to be the concealment intended in the first branch; for they held that it ought to be a judicial concealment, and not an extrajudicial concealment before one of the counsel or a justice of the peace, which may lie in averment, so as before it be felony he must be convicted of such hunting upon not guilty pleaded first, and after such conviction, then he must be indicted again upon the whole matter, that he feloniously did conceal it, against the form of the statute: And if the offender upon the first indictment confesseth the indictment, then it is such a judicial confession as this act intendeth, and no felony within this statute.

This he says, he heard the attorney report, and did then observe it; which concurring with his own opinion, he thought good to publish, and the rather because in *Lambard's* justice, amongst his precedents of indictments, there is an erroneous precedent (he says) of an indictment of felony for the concealment upon the examination before a justice of the peace. And upon the whole he thinks it the clearest way to make it trespass, and not felony; which the party may do at his pleasure. 3 *Inst. c. 21.*

But Lord *Hale* says, that this seems a difficult exposition; for upon his arraignment for the hunting, he only answers to that indictment, and is not examined touching others; and besides, if he be indicted for the hunting, if there be evidence to convict him of the fact, he is convict of felony before the indictment for concealment come; and if there be not evidence to convict him of the principal, how shall there be evidence to convict him of the concealment? 1 *H. H. 659.*

But the statute of 9 *G. c. 22.* hereafter following, commonly called the Black act, puts this matter out of question, whilst it continues in force, and renders this statute of little use: but nevertheless it was proper to insert it here, because if that statute shall be suffered to expire, the offence will fall back again upon this statute.

4. The next statute is in the 19th year of the same king, by which it is enacted, That no person, not having any park, chafe or forest of his own, shall keep or cause to be kept any net, called deer-hays or buck stalls, on pain of 10*l.* a month; to him who shall sue by action of debt: Or, the justices in sessions may call before them any persons suspected, and examine them; and if they be found in default, may commit them till they have found surety for payment of the forfeiture to the king; and the justices shall have the tenth part of such forfeiture for their labour. 19 *H. 7. c. 11.* Penalty of keeping nets for deer.

5. And by the same statute, no person shall stalk, nor cause any other to stalk, with any bush, or beasts, to any deer, except in his own ground, chafe, forest, or park, without licence of the owner, master, or keeper; on pain of 10*l.* in like manner. Penalty of stalking to deer.

6. The

10l. or treble
damages.

6. The next act is in 5 *El. c. 21.* which is re-enacted with some additions by the 3 *J. c. 13.* which is altered and explained by the 7 *J. c. 13.* the substance of all which put together is as follows:

If any person shall by night or by day, wrongfully or unlawfully break or enter into any park impaled, or any other several grounds inclosed with wall, pale, or hedge, and used and kept for the keeping, breeding, and cherishing of deer, and wrongfully or unlawfully shall hunt, drive, or chase out, or take, kill, or slay any deer therein; and be thereof convicted at the assizes or sessions, upon indictment, bill of complaint, information, or otherwise, at the suit of the king or of the party, he shall for every offence pay 10*l.* to the party grieved, or treble damages and costs at the election of the party, to be assessed by the court; and shall find sufficient sureties for his good abearing for seven years, or continue in prison till he finds such sureties.

But on satisfaction of treble damages, the party may release the sureties within the seven years. Or if the person shall acknowledge his offence in open sessions, and that he is sorry therefore, and satisfy the party grieved, the court may discharge the recognizance.

But this shall not extend to any park or inclosed ground, hereafter to be made and used for deer, without the king's licence.

Guns, bows, and
nets to kill deer,
may be seized.

7. And by the said statute of the 3 *J. c. 13.* it is also enacted, that if any person not having lands or hereditaments of 40*l.* a year, or not worth in goods 200*l.* shall use any gun or bow to kill deer; or shall keep any buckstall or engine, unless he have grounds inclosed for keeping of deer; any person having 100*l.* a year may seize the same to his own use.

Selling deer.

8. Another statute is 1 *J. c. 27.* which enacts, that every person who shall sell, or buy to sell again, any deer, shall, on conviction at the assizes, or sessions, or before two justices out of sessions, forfeit for every deer 40*s.* half to him that will sue, and half to the poor.

2*el.*

9. The next act is in 13 *C. 2. c. 10.* by which it is enacted, that if any person shall unlawfully course, kill, hurt, or take away any red or fallow deer, in any forest, chase, purlieu, paddock, wood, park, or other ground where deer are or have been usually kept, without consent of the owner, or person chiefly intrusted with the custody thereof; or shall be aiding or assisting therein; and shall be convicted thereof by confession, or oath of one witness, before one justice, in six months after the offence committed; he shall forfeit for every offence 20*l.* half to the informer, and half to the owner of the deer, by distress; for want of sufficient distress, to be committed to the house of correction for six months to hard labour, or to the common gaol for one year; and not to be discharged thence, till he hath given sureties for his good behaviour for a year next after his enlargement.

Note: This act doth not appear to be limited to grounds inclosed only; altho' the statute of the 10 *G. 2. c. 32.* hereafter following seems to suppose it so.

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10. The next act is the 3 *H. c.* 10. on which most of the 30^l. convictions have been since that time; which (together with the alterations and additions made in and to the same by the 5 *G. c.* 15. 9 *G. c.* 22. and 10 *G. 2. c.* 32.) is as followeth:

If any person shall unlawfully 'course,' hunt, take in toyls, kill, wound, or take away, any red or fallow deer, in any forest, chase, purlieu, paddock, wood, park, or other ground inclosed, where deer are, have, or shall be usually kept, without the consent of the owner or person chiefly intrusted with the custody thereof; or shall be aiding or assisting therein; and shall be convicted (N) thereof, in 12 months after the offence, by confession, or oath of one witness, before one justice where the offence shall be committed, or the party apprehended: every such person so offending by unlawful coursing or hunting only, when no deer is taken, wounded, or killed, shall forfeit for every such offence 20^l. and in case any deer shall by such person be wounded, taken in toyls, or killed, he shall forfeit for every such deer 30^l. to be levied by distress (O) upon the goods and chattels of the offender by warrant of such justice; one third to the informer, one third to the poor, and one third to the owner of the deer: for want of sufficient distress, such person shall be imprisoned (P) for a year, and set in the pillory an hour on some market day in the next adjoining town to the place where the offence was committed, by the chief officer of such market town, or his under officer. s. 2.

Unlawfully] Where a man kills deer in pursuance of a supposed right which he has, he is not within the intent of this, nor of the other acts against deer stealing. *L. Raym.* 584.

In any forest, chase, purlieu, paddock, wood, park or other ground inclosed, where deer are, have, or shall be usually kept] *M.* 13 *G. 2.* *K.* against *Calcutt* and *Monk*. There was a conviction for deer stealing in a purlieu of the forest. Whereunto exception was taken, that it was not averred, that deer were usually kept in the purlieu, whereas by the statute that seems to be required. To this it was answered, That such averment could not extend to a purlieu, for a purlieu is a place where by law deer cannot be kept, it being disafforested as well with regard to all others as the owner; and the oath of the ranger is, to drive deer out of the purlieu into the forest: Secondly, that the averment as to forests, chases, and purlieus, is not made necessary by the act, for the words where deer are usually kept extend only to ground inclosed; else the words other ground will make it necessary to aver, that the forest was inclosed, which is not the case in any part of *England*. And by the court, The answer is right in both respects. Another objection was, that it did not appear, but that the defendant was owner of the purlieu; in which case he had a right to chase the deer off his ground. But by the court, That would be matter of defence, and should be shewn on his part, according to the resolution (before-mentioned) in the case of *K. and Bryan*. So the convictions were confirmed. *Str.* 1119.

Or other ground inclosed, where deer are, have, or shall be usually kept] *T.* 1 *An.* 2. and *Moore*. A conviction for killing deer was quashed,

quashed, because it said only that he killed deer *in a certain place where deer had been usually kept*, and did not say *inclosed*. *L. Raym.* 791.

Aiding or assisting therein] On a conviction, the question was, whether he who lent dogs to another to hunt, was aiding and assisting therein, to wit, in the hunting: And by the opinion of three judges he was; but *Holt Ch. J.* was of a contrary opinion, for this being a penal law, shall be construed strictly; and if so, then he who lent the dogs could not be assisting in the act of hunting, and so not within the words of the statute, *aiding and assisting therein*, tho' he might be assisting thereunto. *2 Salk.* 542, 543.

And shall be convicted thereof] There ought to be a summons in this, and in all other like cases, to warrant a conviction; and that ought to give a reasonable time to appear in: but if the defendant hath appeared, it cures the want of a summons. *1 Salk.* 181, 383.

H. 3 G. K. and Simpson. The defendant was convicted for deer stealing; and the conviction set forth, that he had been summoned to appear before the justices; but it did not appear he ever was before them. Exception was taken to this, that as no appeal lies in this case, the justices should not have proceeded in the absence of the party, especially where it may end in a corporal punishment, as it may do here, for want of a distress. And at another day, on consideration, *Parker Ch. J.* delivered the resolution of the court: We are all of opinion, the offender may be convicted, without appearing. The statute is silent as to the method of proceeding, and the law of *England*, it is true, in point of natural justice, always requires the party charged with any offence to be heard before he be condemned in judgment; but that rule must have this exception, unless it is through his own default: were it otherwise, every criminal might avoid conviction. The law being so, the magistrate is bound to give some opportunity to the party to appear; and if upon such notice, he neither comes, nor sends a sufficient excuse, the magistrate may proceed to judgment. If this was not to be allowed, the consequence would be, that the offender would escape unpunished, because he would never appear purposely to be convicted; and that would be to make the execution of the law depend on the will of the offender.

There was another order of conviction, whereby it appeared, that the defendant made an attorney to defend for him: And by the court; We think that is certainly good; for the offender may intrust his defence with another, and the justices cannot enforce him to appear in person. And the orders were confirmed. *Str.* 44.

In 12 months after the offence] A conviction being returned on a *certiorari*, the objection was, that the conviction appeared to be a year after the day of the information; but it was held sufficient that the information be prosecuted within a year after the fact; for that is a good commencement of the suit, and it is from that the computation is made in all such cases. *1 Salk.* 383.

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But by the black act hereafter mentioned, and during the continuance thereof, this prosecution may be commenced at any time within three years after the offence. 9 G. c. 22. f. 13.

Oath of one witness] This must not be upon the single oath of the informer; and a conviction was quashed for that reason; divers convictions, as it is said, having been quashed for the same reason before. L. Raym. 1545. Str. 316.

Every such person so offending] Where several persons are convicted, they shall forfeit each 30 l. and not one sum of 30 l. for all. 1 Salk. 182.

To be levied by distress] Sale of the goods is not mentioned here in the statute; yet nevertheless where the law gives a distress for a publick benefit, the officer may sell. 1 Salk. 379.

By warrant of such justice] Altho' the constable is not appointed to execute this warrant, nor is so much as named in the clause; yet he is bound to obey the warrant, and is indistable if he does not: But he need not return the warrant it self, for that is not required, and it may be necessary to keep it for his own justification; but he must either return that, or certify what he has done upon it. 1 Salk. 381.

One third to the informer, &c.] The penalty need not be distributed by the conviction; viz. 10 l. to the informer, 10 l. to the poor, and 10 l. to the party grieved; for the judgment in such cases seldom mentions a distribution: it is enough to say, that he is convicted, and hath forfeited 30 l. according to the statute. 1 Salk. 383.

For want of sufficient distress] If the justice finds there is nothing to distrain, then he must make a record thereof, and make an adjudication for corporal punishment; but the offender is not to pay part, and suffer corporally for the residue. L. Raym. 546, 1195, 6.

H. 6 G. K. and Whitlock. The defendant was committed for want of distress; and the warrant set forth, that it had been certified to the justice by the constable, that there was not sufficient distress. It was objected, that there ought to have been a warrant to levy, and a return to that, that there was no distress; it may be, the constable only told him so. But by the court, The warrant is well enough; for the word *certified* imports it to be in a legal manner. Str. 263.

And then the act goes on thus:

Any owner of deer in any inclosed ground, or any person acting under him, may resist such offenders in the same manner as if the fact had been committed in an ancient chase or park. 3 W. c. 10. f. 5.

And as to the case of venison being found in a man's possession, it is further enacted, that the constable, by a justice's warrant, shall enter into and search (Q) in such manner and with such power as in case where goods are stolen or suspected to be stolen, the houses, outhouses, or other places belonging to such houses of suspected persons; and if any venison or skin of any deer, or

toyls, shall there be found, he shall apprehend the offender, and carry him before a justice; and if such person do not give a good account how he came by the same, such as shall satisfy the said justice, or else shall not in some convenient time to be set by the said justice, produce the party of whom he bought the same, or some other credible witness to depose upon oath such sale thereof, he shall be convicted by the said justice of such offence, and thereupon shall be subject to the forfeitures and penalties hereby inflicted for the killing of one deer. 3 W. c. 10. f. 3.

And by the 9 G. c. 22. commonly called the Black act, any justice may issue his warrant for this purpose; and if any venison or skin of any deer, shall be found in the custody of any person, and it shall appear that such person bought such venison or skin of any one who might be justly suspected to have unlawfully come by the same, and doth not produce the party of whom he bought it, or prove upon oath the name and place of abode of such party, then the person who bought the same shall be convicted of such offence by any justice of the peace, and shall be subject to the penalty above inflicted for killing one deer. 9 G. c. 22. f. 11, 17.

After conviction, the constable or prosecutor may detain in custody the offender, if he shall not presently pay the money due on conviction, during such reasonable time as a return may be conveniently made to the warrant of distress, so as such detainer exceed not two days. 3 W. c. 10. f. 4.

And moreover, the person convicted, before he shall be discharged out of custody, shall become bound to the person against whom the offence shall be committed, in 50*l.* for his future good behaviour, and that he shall not offend in like manner; and upon refusal shall be committed to gaol until the bond be given: And if he shall be afterwards convicted of any offence in the said statute of 3 W. c. 10. the bond shall be forfeited, and the penalty be recovered with costs in any court at *Westminster*, over and above the forfeitures, and to be distributed as the forfeitures. 5 G. c. 15. f. 4.

All this being done, the justice shall certify a true copy of the conviction under his hand and seal, to the next quarter sessions, there to be kept amongst the records. 10 G. 2. c. 32. f. 8.

And no *certiorari* shall be allowed to remove any conviction, or other proceeding thereupon, unless the party, before the allowance thereof, be bound to the prosecutor in 50*l.* with such sureties as the justice shall think fit, to pay in a month after the conviction confirmed, or a *procedendo* granted, full costs and damages; and at the same time become also bound to the justice with sufficient sureties, in the penalty of 60*l.* with condition to prosecute the *certiorari* with effect, and to pay to the justice the forfeitures due by the conviction, or to render to the justice the person convicted within a month after the conviction shall be confirmed or a *procedendo* granted: and in default thereof, the justice may proceed to the execution of the conviction. 3 W. c. 10. f. 6. 5 G. c. 15. f. 1.

The first part of the book is a history of the
 city of London, from its foundation to the
 present time. It is written in a clear and
 concise style, and is well illustrated with
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 well illustrated with numerous woodcuts.

Or, after delivering to the justice the rule by which the conviction shall be confirmed, he may proceed, as if a *procedendo* had been granted. 5 G. c. 15. s. 2.

H. 6 G. K. and *Whitlock*. The defendant being brought up from *Neogate* by *habeas corpus*, it appeared upon the return, that he was committed for deer stealing, as the statute of the 3 W. c. 10. directeth, not having sufficient distress; and that this was done by one justice under the statute of the 5 G. And exception was taken to the warrant, that it doth not appear, the conviction was ever confirmed in this court, or that the rule for confirmation was delivered to the justice, and therefore the justice could not proceed to execution: for the statute gives to the justice a jurisdiction after confirmation, which he had not before; and therefore he ought to shew every thing requisite to found his jurisdiction upon. But by the court, We take notice of our own records, and by them it appears that the conviction is confirmed: and the statute doth not give the justice a new jurisdiction, but only revives his old one, which was suspended by the *certiorari*. And the defendant was remanded. *Str.* 263.

Moreover, by the said act of 5 G. c. 15. it is enacted, that if any keeper or other officer of any park, or place where deer are usually kept, shall be convicted on the said statute of the 3 W. for killing or taking away any red or fallow deer, or being aiding therein, without consent of the owner, or person chiefly intrusted with the custody thereof; he shall forfeit 50*l.* for each deer, to be distributed as the other forfeitures; to be levied by distress: for want of distress, to be imprisoned for three years, and be set in the pillory two hours on some market day in the next town to the place where the offence was committed, by the chief officer of such market town, or his under officer. s. 5.

And it is further enacted, that if any person shall at any time pull down or destroy, or cause to be pulled down or destroyed, the pale or walls of any park, forest, chase, purlieu, paddock, wood, or other ground inclosed, where any red or fallow deer shall be then kept, without the consent of the owner, or person chiefly intrusted with the custody thereof; and shall be convicted thereof before one justice, by confession, or oath of one witness, he shall suffer the said forfeitures of the 3 W. for killing one deer. 5 G. c. 15. s. 6.

And any person sued for any thing done either on the 3 W. c. 10. or on this act, may plead the general issue; and if he recover, shall have treble costs. 5 G. c. 15. s. 3.

11. Next follows the statute of the 5 G. c. 28. by which it is enacted, that if any person shall enter into any park, paddock, or other inclosed ground where deer are usually kept, and wilfully wound or kill any red or fallow deer there, without consent of the owner of the ground, or of the person intrusted with the custody thereof, or shall be aiding or assisting therein; and shall be convicted thereof before the judge of assize, upon indictment, by verdict or confession,—he shall be transported for seven years:

But not to be prosecuted likewise on any of the former acts, all which nevertheless shall be of force.

Transportation
for offences in
places inclosed.

Felony without
benefit of clergy.

12. Thus stood the laws, till the great insolenencies of the *Waltham Blacks* made a further provision necessary, by that famous act of the 9 G. c. 22. from them usually called the *Black act*, which hath created more new felonies than any other statute whatsoever: which said act being temporary only, hath been continued from time to time, and by the last continuance 24 G. 2. c. 57. is to be in force to Sep. 1. 1757, &c. which, with regard to the subject before us, doth enact as follows:

If any person or persons, being armed with swords, fire arms, or other offensive weapons, and having his or their faces blacked, or being otherwise disguised, shall appear in any forest, chase, park, paddock, or grounds inclosed with any wall, pale, or other fence, wherein any deer have been or shall be usually kept, or shall unlawfully and wilfully hunt, wound, kill, destroy, or steal any red or fallow deer; or if any person or persons (whether armed and disguised or not) shall unlawfully and wilfully hunt, wound, kill, destroy, or steal any red or fallow deer, fed or kept in any places in any of the king's forests or chases, which are or shall be inclosed with pales, rails, or other fences; or in any park, paddock, or grounds inclosed, where deer have been or shall be usually kept; or shall forcibly rescue any person being lawfully in custody of any officer or other person, for any the said offences; or shall by gift or promise of money, or other reward, procure any to join him or them in any such unlawful act: every person so offending, being thereof lawfully convicted (in any county in *England*) shall be guilty of felony without benefit of clergy; but not to work corruption of blood, nor forfeiture of lands or goods.

Concerning the manner of bringing the offender to justice, and other particulars relating thereunto, it is proper to refer from hence to the title *Black act*; where these offences, together with the other offences in the said act, are treated of more at large.

Transportation
for a second of-
fence in places
uninclosed.

13. It is to be observed, that this act of the 9 G. c. 22. extends only to killing and wounding deer in places *inclosed* (except the offender be withal armed and disguised); and therefore the said offence in places *uninclosed* remains as it was before the making the said act: But by the statute of 10 G. 2. c. 32. a second offence against the former acts is made transportation: Which, after having recited, that whereas the abovesaid act of the 9 G. c. 22. extends not to hunting or taking deer in open forests or chases, but only in such as are inclosed, and offences in uninclosed places are only punishable by the 3 W. c. 10. which inflicts only a pecuniary punishment, which is not sufficient to deter offenders,—doth therefore enact, That if any person who shall be convicted of unlawfully coursing, hunting, taking in toils, killing, wounding, or taking any red or fallow deer, in any open or uninclosed forest or chase, where deer are usually kept, shall (during the continuance of the said act of 9 G.) be guilty of a second offence of the like nature, and shall be thereof lawfully convicted on indictment or information; he shall be transported for seven years; and if he returns within the time, he shall be guilty of felony without benefit of clergy. And the clerk of the peace shall at the request

[The page contains extremely faint, illegible text, likely bleed-through from the reverse side.]

The following are the names of the persons who have been appointed to the various positions in the Department of Education, for the year ending June 30, 1906.

Superintendent of Schools: J. H. [illegible]
Assistant Superintendent: [illegible]
Director of Public Instruction: [illegible]
Inspector of Schools: [illegible]
Chief Clerk: [illegible]
[The rest of the list is illegible due to extreme fading.]

of the prosecutor, or of any person on his majesty's behalf, certify to the assizes a transcript under his hand and seal, briefly and in few words containing the effect and tenor of the first conviction (kept amongst the records); which certificate shall be sufficient proof of the first conviction. 10 G. 2. c. 32. s. 7, 8.

14. Moreover, by the said act of the 10 G. 2. c. 32. If any person armed shall (during the continuance of the said act of 9 G.) come into any forest, chase, or park, wherein deer are usually kept (whether inclosed or not) with an intent to course, hunt, take in toyls, kill, wound, or take away any red or fallow deer, and shall there unlawfully beat or wound any keeper or page of any such forest, chase or park, their servants or assistants in the execution of their office, and be thereof lawfully convicted; he shall be transported for seven years. 10 G. 2. c. 32. s. 9.

Beating the
keeper, transpor-
tation.

15. Whereas the burning and destroying of goss, furze, and fern in forests and chases, doth destroy the cover necessary for the preservation of the deer and game there; therefore if any person not having a right or legal licence to do the same, shall set fire to, burn, or destroy (or be aiding therein) any goss, furze, or fern in any forest or chase, without consent of the owner or person chiefly intrusted with the custody of such forest or chase, or of some part thereof, and being brought before a justice shall be thereof convicted by confession, or oath of one witness, or on view of the justice, he shall forfeit not exceeding 5 l. nor less than 40 s. half to the informer, and half to the poor; if not forthwith paid, to be levied by distress; and if no sufficient distress can be found, the justice shall commit him to the common gaol, for any time not exceeding three months, nor less than one month. 28 G. 2. c. 19. s. 3.

Destroying covert
for deer.

II. Of hares.

It is to be remembred, that I have already, under the third part of this title, treated of those particulars, which are common to this with other species of the game, as to destroying the same by unqualified persons; I here take notice of such things as belong to hares only, and which for the most part seem generally to concern all persons, whether qualified or not.

1. No person of what estate, degree, or condition he be, shall trace, destroy, and kill any hare in the snow, with any dog, bitch, bow, nor otherwise. And the sessions or leet may enquire hereof; and after inquisition found, they shall for every hare so killed, cess upon every offender 6 s. 8 d. to be forfeited to the king, if in the sessions; and to the lord of the leet, if in the leet. 14 & 15 H. 8. c. 10.

Tracing in the
snow.

And by the 1 J. c. 27. Every person who shall trace or course any hares in the snow; shall, on conviction before two justices, by confession, or oath of two witnesses, be committed to gaol for three months, unless he pay to the churchwardens for the use of the poor, 20 s. for every hare; or after one month after his commitment become bound by recognizance with two sureties in

20*l.* a piece, before two justices, not to offend again in like manner. *f. 2.*

Snares and harepipes.

2. And by the said last mentioned act, every person who shall at any time take or destroy any hares, with harepipes, cords, or any such instruments or other engines; shall forfeit for every hare 20*s.* in like manner. *1 J. c. 27. f. 2.*

And by the 22 & 23 C. 2. c. 25. *f. 6.* If any person shall be found or apprehended setting or using any snares, harepipes, or other like engines, and shall be thereof convicted, by confession, or oath of one witness, before one justice, in one month after the offence; he shall give to the party injured such damages, and in such time, as the justice shall appoint, and shall pay down presently to the overseers for the use of the poor, such sum not exceeding 10*s.* as the justice shall appoint; which if he shall not do, the justice shall commit him to the house of correction not exceeding one month.

Killing hares in the night.

3. If any person whatsoever shall take or kill any hare in the night time; he shall on conviction before one justice, on oath of one witness, forfeit 5*l.* half to the informer, and half to the poor, by distress; for want of distress, to be sent to the house of correction for three months for the first offence, and for every other offence four months. *9 An. c. 25. f. 3.*

Shooting hares.

4. Every person who shall shoot at, kill, or destroy any hare, with any gun or bow, shall, on conviction before two justices, by confession, or oath of two witnesses, be committed to gaol three months, unless he pay to the churchwardens for the use of the poor 20*s.* for every hare; or after one month after his commitment become bound by recognizance with two sureties before two justices, in 20*l.* a piece, not to offend again in like manner. The recognizance to be returned to the next sessions. *1 J. c. 27. f. 2.*

Buying and selling hares.

5. Every person, who shall sell, or buy to sell again, any hare, shall, on conviction at the assizes or sessions, or before two justices out of sessions, forfeit for every hare 10*s.* half to the poor, and half to him that will sue. *1 J. c. 27. f. 4.*

Hunting in corn.

6. If any manner of person shall hunt with spaniels in any ground where corn or other grain shall then grow (except in his own ground), at such time as any eared corn or grain shall be growing thereon, and before it be shocked or cocked, and be thereof convicted at the assizes, sessions, or leet; he shall forfeit 40*s.* to the owner of the corn; and if not paid in ten days, he shall be imprisoned for one month. And any justice may examine the offender, and bind him over to appear at the next sessions, to answer the offence, and to pay the penalty, or receive the punishment. *23 El. c. 10. f. 5.*

Taking hares in warrens.

7. By the Black act before mentioned, if any person, armed and disguised, shall appear in any warren or place where hares are usually kept; or if any person (whether armed and disguised or not) shall rob any such warren, or rescue any person in custody for either of the said offences, or procure any to join with him in any such unlawful act; he shall be guilty of felony without benefit of clergy.

III. Of conies.

1. If any warrener shall find any trespassers wandring within his liberty, intending to do damage therein, and that will not yield themselves after hue and cry made to stand unto the peace, but do flee, or defend themselves; altho' the warrener, or his assistant, do kill such offenders, they shall not be troubled upon the same. 21 *Ed. 1. §. 2.* Trespassers in warrens may be resisted.

2. When information shall be made of unlawful hunting in a warren by night, or with painted faces, to any of the king's counsel, or to a justice of the peace, of any person suspected, he may make a warrant to bring such person before himself or any other of the said counsel or justices; and if such person shall conceal the said hunting, or any of his accomplices, it shall be felony; but if he confesseth, it shall be but trespass finable at the sessions. 1 *H. 7. c. 7.* Hunting in a warren by night or disguised.

3. If any person shall in the night time enter into any grounds inclosed, and used for keeping of conies, and hunt, drive out, take, or kill any conies; he shall, on conviction at the suit of king or of the party, at the assizes or sessions, on indictment, bill, information, or otherwise, forfeit 10 *l.* to the party grieved, or treble damages and costs at the election of the party; and find sureties for his good abearing for seven years, or continue in prison till he does. 3 *J. c. 13. §. 2.* Hunting in a warren by night.

But this shall not extend to any grounds to be inclosed and used for conies after the making of this act, without the king's licence. *§. 7.*

4. No person shall kill or take in the night any conies upon the borders of warrens, or other grounds lawfully used for the breeding or keeping of conies (except the owner or possessor of the ground, or persons employed by them); on pain that the offender, on conviction in one month after the offence, before one justice, by confession, or oath of one witness, shall give to the party injured such damages and in such time as shall be appointed by the justice, and over and above pay down presently to the overseers for the use of the poor such sum not exceeding 10 *l.* as the justice shall appoint; which if he shall not do, the justice shall commit him to the house of correction for such time as he shall think fit, not exceeding one month. 22 & 23 *C. 2. c. 25. §. 5.* Killing in the night, on the borders of warrens.

The statute saith, *upon the borders of warrens*; but if they are out of the warren, no person hath any property in them, and a man may justify killing them if they eat up his corn; but no action lies against the owner of the warren. 5 *Co. 104. Read. Game.*

So a person that hath right of common may kill them, when they are out of the warren and destroy the common; but he cannot have an action on the case against the lord, for that would be to create a multiplicity of actions. *Cro. El. 548. Cro. Ja. 195. Cro. Car. 388.*

5. If any person shall at any time, enter wrongfully into any warren or ground lawfully used or kept for the breeding or keep- Killing in places inclosed or unin-
closed, by night
or day.

ing of conies, whether it be inclosed or not; and there shall chase, take, or kill any conies; and shall be thereof convicted in one month after the offence, before one justice, by confession, or oath of one witness; he shall yield to the party grieved treble damages and costs, and be imprisoned three months, and after till he find sureties for his good abearing. 22 & 23 C. 2. c. 25. f. 4.

Setting snares.

6. If any person shall be found or apprehended setting or using any snares or other like engines, and shall be thereof in like manner convicted, he shall give to the party grieved such damages, and in such time as the justice shall appoint, and pay down presently to the overseer for the use of the poor such sum not exceeding 10*s.* as the justice shall appoint; which if he shall not do, the justice shall commit him to the house of correction not exceeding one month. 22 & 23 C. 2. c. 25. f. 6.

Keeping engines.

7. If any person not having lands or hereditaments of 40*l.* a year, or not worth in goods 200*l.* shall use any gun or bow to kill conies, or shall keep any ferrets or coney dogs (except he have grounds inclosed for keeping of conies, the increasing of which shall amount to 40*s.* a year to be let, and except warreners in their warrens); in such case, any person having 100*l.* a year may seize the same to his own use. 3 F. c. 13. f. 5.

Felony.

8. By the Black act before mentioned, if any person, being armed and disguised, shall appear in any warren or place where conies are usually kept; or (whether armed and disguised or not) shall rob any such warren, or rescue any person in custody for such offence, or procure any person to join him therein; he shall be guilty of felony without benefit of clergy.

V. Laws concerning the winged game in particular.

I. Of hawks and hawking.

II. Of swans.

III. Of partridges and pheasants.

IV. Of pigeons.

V. Of wild ducks, wild geese, and other water fowl.

VI. Of grouse or moor game.

VII. Of herons.

VIII. Of other fowl.

I. Of hawks and hawking.

What hawks a man shall bear.

1. No man shall bear any hawk of the breed of England, called a nyeffe, goshawk, tassel, laner, laneret, or falcon; on pain of forfeiting his hawk to the king. And if he bring any of them over sea, or out of Scotland, he shall bring a certificate thereof from the officer of the port, or warden of the march;

The above has been a brief summary of the work of the
 Committee on the subject of the proposed new
 system of taxation. It is hoped that the above will
 be of some assistance to the Committee in its
 work. The Committee is now in the process of
 preparing a report on the subject of the proposed
 new system of taxation. The report will be
 presented to the Committee at its next meeting.

[illegible][illegible]

1. The first of these is the fact that the system is not a simple one. It is a complex one, involving many different factors, and it is not clear that the system is a simple one. It is a complex one, involving many different factors, and it is not clear that the system is a simple one.

THE UNIVERSITY OF CHICAGO

1944

1. The first of these is the fact that the
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on the like pain of forfeiting the same to the king. And the person that bringeth any such hawk to the king, shall have a reasonable reward of the king, or else the hawk for his labour.

11 *H. 7. c. 17.*

2. Every person who findeth a falcon, tercelet, laner, or laneret, or other hawk that is lost, shall presently bring the same to the sheriff; and the sheriff shall make proclamation in all the good towns in the county, that he hath such an hawk in his custody; and if he is challenged in four months, the owner shall have him again, paying the costs: if he is not challenged in four months, the sheriff shall have him, making gree to him that took him, if he be a simple man; but if he be a gentleman, and of estate to have the hawk, then the sheriff shall redeliver to him the hawk, taking of him reasonable costs for the time that he had him in his custody. 34 *Ed. 3. c. 22.*

Person finding a hawk.

3. And if any man steal any hawk, and the same carry away, not doing the ordinance aforesaid; it shall be done of him as of a thief, that stealeth a horse or other thing. 37 *Ed. 3. c. 19.* That is, he shall be guilty of felony, but shall have his clergy.

Stealing a hawk.

3 *Inst. 98.*

4. If any person shall take away any hawks or other eggs, by any means unlawfully, out of the woods or ground of any person; and be thereof convicted at the assizes or sessions, on indictment, bill, or information, at the suit of the king or of the party; he shall be imprisoned three months, and shall pay treble damages; and after the three months expired, shall find sureties for his good abearing for seven years, or remain in prison till he doth.

Taking hawks or eggs out of the woods.

5 *El. c. 21. f. 3.*

5. But by a more ancient statute, no man shall take any ayre, falcon, goshawk, tassel, laner, or laneret, in their warren, wood, or other place; nor purposely drive them out of their coverts accustomed to breed in, to cause them to go to other coverts to breed; nor slay them for any hurt done by them: on pain of 10*l.* half to him that will sue before the justices of the peace, and half to the king. 11 *H. 7. c. 17.*

The same.

And no manner of person, of what condition or degree he be, shall take or cause to be taken, on his own ground or any other man's, the eggs of any falcon, goshawk, or laner, out of the nest; on pain (being convicted thereof before the justices of the peace) of imprisonment for a year and a day, and fine at the king's will; half to the king, and half to the owner of the ground where the eggs were taken. *id.*

6. If any manner of person shall hawk in another man's corn after it is eared, and before it is shocked; and be convicted at the assizes, sessions, or leet; he shall forfeit 40*s.* to the owner: And if not paid in ten days, he shall be imprisoned for a month. 23 *El. c. 10.*

Hawking in corn.

II. Of swans.

Qualification to
keep swans.

1. No person (other than the king's son) unless he have lands of freehold to the value of five marks a year, shall have any mark or game of swans; on pain of forfeiting the swans, half to the king, and half to any person (so qualified) who shall seize the same. 22 Ed. 4. c. 6.

Stealing swans
marked.

2. It is felony to take any swans that be lawfully marked, tho' they be at large. *Dalt. c. 156.*

Swans unmark-
ed.

3. And as to swans unmarked; if they be domestical or tame, that is, kept in a moat, or in a pond near to a dwelling house, to steal such is also felony. *Dalt. c. 156.*

So it seemeth of swans unmarked, so long as they keep within a man's manor, or within his private rivers; or if they happen to escape from thence, and be pursued and taken, and brought in again. *id.*

But if swans that are unmarked shall be abroad, and shall attain to their natural liberty, then the property of them is lost; and so long, felony cannot be committed by taking them. *id.*

And yet such unmarked and wild swans the king's officers may seize (being abroad) for the king's use, by his prerogative. Also, the king may grant them, and by consequence another may prescribe to have them, within a certain precinct or place. *id.*

Swans eggs.

4. Every person who shall take the eggs of any swans out of the nest, or wilfully spoil them in the nest; and shall be convicted thereof before two justices, by confession, or oath of two witnesses; shall be committed to gaol three months, unless he pay to the churchwardens for the use of the poor, 20s. for every egg; or after one month of his commitment, become bound by recognizance with two sureties in 20l. a-piece, before two justices, never to offend again in like manner: which recognizance shall be returned to the next sessions. 1 J. c. 27. s. 2.

But by a more antient statute, no person shall take or cause to be taken, on his own ground or any other man's, the eggs of any swan; on pain (on conviction before the justices of the peace) of imprisonment for a year and a day, and fine at the king's will, half to the king, and half to the owner of the swans. 11 H. 7. c. 17.

III. Of partridges and pheasants.

Partridges and pheasants are birds of warren, and the law seems peculiarly to protect them; as appears by what follows:

Taking them in
another man's
ground.

1. By the 11 H. 7. c. 17. it is enacted, that no person, of what condition he be, shall take or cause to be taken, any pheasants or partridges by nets, snares, or other engines, out of his own warren, upon the freehold of any other person, without the special licence of the owner or possessor of the same; on pain of 10l. half to him that shall sue, and half to the owner or possessor of the ground where they shall be taken.

2. Every

The first of the year was a very dry one, and the crops were much injured. The weather was very hot, and the ground was very dry. The crops were much injured, and the people were very poor. The first of the year was a very dry one, and the crops were much injured. The weather was very hot, and the ground was very dry. The crops were much injured, and the people were very poor.

2. Every person who shall shoot at, kill, or destroy, any pheasant or partridge, with any gun or bow; or shall take, kill, or destroy them with setting dogs and nets, or with any manner of nets, snares, engines, or instruments whatsoever; or shall take their eggs out of the nest, or spoil them in the nest; shall, on conviction before two justices, by confession, or oath of two witnesses, be committed to gaol three months, unless he pay upon conviction to the churchwardens for the use of the poor, 20*s.* for every pheasant, partridge, or egg; or after one month after his commitment, become bound by recognizance with two sureties, before two justices, in 20*l.* each, not to offend again in like manner. The recognizance to be returned to the next sessions. 1 *J. c.* 27. *f.* 2.

Taking them
with dogs, nets,
or engines; or
their eggs.

And by the 7 *J. c.* 11. Every person, who shall take, kill, or destroy, any pheasant or partridge, with setting dogs and nets, or otherwise with any manner of nets, snares, or engines; shall, on conviction before two justices, by confession or oath of one witness, be committed to gaol for three months, unless he forthwith pay to the churchwardens or overseers 20*s.* for every pheasant or partridge; and further to become bound by recognizance of 20*l.* before one justice, that he shall not thereafter kill or destroy any pheasant or partridge. The recognizance to be filed at the next sessions.

3. Every person who shall sell, or buy to sell again, any partridge or pheasant (except they be reared and brought up in houses, or brought from beyond sea); shall, on conviction at the assizes or sessions, or before two justices out of sessions, forfeit for every partridge 10*s.* and for every pheasant 20*s.* half to him that will sue, and half to the poor. 1 *J. c.* 27. *f.* 4.

Selling or buy-
ing.

4. If any person, of what estate, degree, or condition soever, shall take, kill, or destroy any pheasants or partridges in the night time; and be thereof convicted at the assizes, sessions, or leet; he shall forfeit for every pheasant 20*s.* and for every partridge 10*s.* half to him that shall sue, and half to the lord of the manor, unless such lord shall licence or procure the said taking or killing, in which case the said half shall go to the poor, to be recovered by any one of the churchwardens; and if not paid in 10 days after conviction, he shall be imprisoned for one month: And moreover, besides such forfeiture and imprisonment, he shall give bond to some justice of the peace, with good sureties, not to offend again in like manner for the space of two years. 23 *El.* c. 10.

Taking in the
night.

And by the 9 *An. c.* 25. If any person whatsoever shall take or kill any pheasant or partridge in the night time; he shall, on conviction before one justice, on oath of one witness, forfeit 5*l.* half to the informer, and half to the poor, by distress; for want of distress, to be sent to the house of correction for three months for the first offence, and for every other offence four months.

5. Every free warrener, lord of a manor, or freeholder seised in his own, or his wife's right, of 40*l.* a year estate of inheritance, or lives estate of 80*l.* or worth in goods 400*l.* may take pheasants and partridges (in the day time only) in his own free warren,

Who may take
in the day time.

At what time
hawking at
them shall be
prohibited.

warren, manor, or freehold, betwixt *Michaelmas* and *Christmas* yearly. 7 *J. c. 11. f. 7.*

6. Every person whatsoever, who shall hawk at, dellroy, or kill, any pheasant or partridge, with any kind of hawk, or dog, by colour of hawking, between the first of *July*, and the last of *August*; shall, on conviction before two justices, by confession, or oath of two witnesses, in six months after the offence, be committed to gaol for one month, unless he pay upon conviction to the churchwardens or overseers for the use of the poor, 40 *s.* for every such hawking at any pheasant or partridge, and 20 *s.* for every such pheasant or partridge which he, his hawk, or dog, shall take or kill. 7 *J. c. 11. f. 2.*

It is here observable upon the whole, that the killing of partridges and pheasants is prohibited in almost all manner of ways, except hawking only; and that hawking at them is only prohibited in two summer months, when the corn is growing, and the brood is very young: from whence it may be conjectured, that the extraordinary restrictions under this section have been intended in favour of the diversion of hawking, and to preserve these two species of game for that purpose. Which observation (if just) will help to explain some other restrictive clauses, in this part of the title, concerning the *avined game*.

IV. Of pigeons.

Who may erect
a dove coat.

1. A lord of a manor may build a dove-coat upon his own land, parcel of the manor; but a tenant of a manor cannot do it without the lord's licence. 3 *Salk.* 248. But any freeholder may build a dove-coat on his own ground. *Cro. El.* 548. *Cro. Ja.* 382.

Dove coat not a
nuſance.

2. And it hath been adjudged, that erecting of a dove-house is not a common nuſance, nor presentable in the leet. *Cro. Ja.* 490, 1.

Killing with
dogs, nets, or
engines.

3. Every person who shall shoot at, kill, or destroy any house-dove or pigeon with any gun or bow; or shall take, kill, or destroy the same with setting dogs and nets, or with any manner of nets, snares, engines, or instruments whatsoever; shall, on conviction before two justices, by confession, or oath of two witnesses, be committed to gaol three months, unless he pay to the churchwardens for the use of the poor, 20 *s.* or after one month after his commitment, become bound by recognizance with two sureties, before two justices, in 20 *l.* apiece, not to offend again in like manner. The recognizance to be returned to the next sessions. 1 *J. c. 27. f. 2.*

Pigeons trespassing.

4. But if the pigeons come upon my land, and I kill them; the owner hath no remedy against me; tho' I may be liable to the statutes which make it penal to destroy them. *Cro. Ja.* 492.

Pigeons to go to
the heir.

5. Doves in a dove-house, young and old, shall go to the heir, and not to the executor. 1 *Inst.* 8.

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V. Of wild ducks, wild geese, and other water fowl.

1. Every person who shall shoot at, kill, or destroy with any gun ^{Shooting water} or bow, any mallard, duck, teal, or widgeon; and the same be ^{fowl.} proved by confession or oath of two witnesses, before two justices; —shall be committed to gaol for three months, unless he pay to the churchwardens for the use of the poor, 20 s. or after one month after commitment become bound by recognizance with two sureties, before two justices, in 20 l. each, not to offend again in like manner: Which recognizance shall be returned to the next sessions. 1 J. c. 27. s. 2.

2. No person, between the last day of May, and the last day of August yearly, shall take, or cause to be taken, any wild ducks, mallards, widgeons, teals, or wild geese, with nets or other engines; on pain of a year's imprisonment, and to forfeit for every fowl so taken 4d. half to the king, and half to him that will sue by action of debt: Also the justices of the peace may inquire of, hear and determine the same, as in cases of trespass. 25 H. 8. c. 11. ^{Not to be taken in the moulting season.}

Nevertheless, any gentleman, or any other that may dispend 40 s. a year of freehold, may hunt and take such wild fowl with their spaniels only, without using a net or other engine except the long bow. *id.*

3. But by a subsequent statute, if any person whatsoever (between June 1. and Oct. 1. yearly, 10 G. 2. c. 32.) shall by hayes, tunnels, or other nets, drive and take any wild duck, teal, widgeon, or any other water fowl, in any place of resort for wild fowl in the moulting season; and shall be convicted thereof before one justice by the oath of one witness; he shall for every such fowl forfeit 5 s. half to the informer, and half to the poor, by distress; rendering the overplus above the penalty and charges of distress; for want of distress, to be committed to the house of correction, not exceeding one month, nor less than 14 days, to be whipt and kept to hard labour. And the nets to be seized and destroyed in the presence of the justice. 9 An. c. 25. s. 4. ^{The same.}

4. No person from March 31. to June 30. yearly, shall take or destroy the eggs of any mallard, teal, or other water fowl; on pain of a year's imprisonment, and of forfeiting for every egg one penny, half to the king, and half to him that will sue by action of debt; or, the justices of the peace may determine the same as in cases of trespass. 25 H. 8. c. 11. ^{Destroying their eggs.}

VI. Of grouse or moor game.

1. If any person whatsoever shall take or kill any moor, heath-game, or grouse, in the night time; he shall, on conviction before one justice, on oath of one witness, forfeit 5 l. half to the informer, and half to the poor, by distress; for want of distress, to be sent to the house of correction three months for the first offence, and for every other offence four months. 9 An. c. 25. s. 3. ^{Killing grouse in the night.}

2. Every

Shooting grouse.

2. Every person who shall shoot at, kill, or destroy, with any gun or bow, any grouse, heath cock, or moor game; shall, on conviction before two justices, by confession, or oath of two witnesses, be committed to gaol for three months, unless upon conviction he pay to the churchwardens for the Use of the poor, 20 s. or, after one month after his commitment, become bound by recognizance with two sureties in 20 l. each, before two justices, not to offend again in like manner: the recognizance to be returned to the next sessions. 1 J. c. 27. s. 2.

Burning ling.

3. For the better preserving the red and black game of grouse commonly called heath-cocks, or heath-polts, no person whatsoever on any mountains, hills, heaths, moors, forests, chafes, or other wastes, shall presume to burn between Feb. 2. and June 24. any grig, ling, heath, furz, goss, or fern; on pain of being committed to the house of correction, for any time not exceeding one month, nor less than ten days, there to be whipt and kept to hard labour. 4 & 5 W. c. 23. s. 11.

As here is no method of conviction directed for this offence, the justices of the peace seem to have no cognizance thereof; but the trial and conviction must be at the assizes, or in the courts at *Westminster*.

In the 5 An. c. 14. there are particular directions concerning the burning of ling, heath, or brakes in *Sherwood* forest, and other places in *Nottinghamshire*, which not being of general concern are here omitted.

VII. Of herons.

Shooting herons.

1. Every person who shall shoot at, kill, or destroy, any hearn, with gun or bow, shall, on conviction before two justices, by confession, or oath of two witnesses, be committed to gaol for three months, unless on conviction he pay to the churchwardens for the use of the poor, 20 s. or, after one month from his commitment, become bound by recognizance with two sureties in 20 l. each, before two justices, not to offend again in like manner: The recognizance to be returned to the next sessions. 1 J. c. 27. s. 2.

None shall take but by hawking.

2. No person, without his own ground, shall flea, take, or cause to be taken, by mean of craft or engine, any herons, unless it be with hawking; on pain of 6 s. 8 d. to him who shall sue by action of debt; or the sessions may call before them persons suspected, and examine them; and if found in default, may commit them till they have found surety for payment of the forfeiture to the king; and the justices shall have the tenth part of the forfeiture for their labour. 19 H. 7. c. 11.

Young herons.

3. And no person, without his own ground, shall take any young herons out of the nest; on pain of 10 s. in like manner for every young heron. 19 H. 7. c. 11.

Eggs.

4. And if any person from *March* 31 to *June* 30 shall take or destroy the eggs of any heron; he shall be imprisoned for a year, and forfeit for every egg, 8 d. half to the king, and half to him that will sue by action of debt, or before the justices of the peace. 25 H. 8. c. 11.

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VIII. Of other fowl.

In general ; No manner of person, from the last day of *March* to the last day of *June* yearly, shall by day or night, take, or destroy any eggs of any kind of wild fowl, from or in any nest or place, where they shall chance to be laid by any kind of the same wild fowl ; on pain of imprisonment for a year, and to forfeit for every egg of a bustard 20*d.* of a bittour or shovelard 8*d.* and of other wild fowl (except crows, ravens, boscards, and other fowl not used to be eaten) 1*d.* half to the king, and half to him that will sue by action of debt : Also the justices of the peace may determine the same, as in cases of trespasss. 25 *H. 8. c. 11.*

VI. Laws for preserving the game of fish in particular.

There are some acts relating to this subject, of which, being of less general concern, it is thought sufficient to insert only the titles ; *viz.*

- (1) An act for the preservation of fishing in the river of *Severn*. 30 *C. 2. c. 9.*
- (2) An act for the increase and better preservation of salmon and other fish, in the rivers within the counties of *Southampton* and *Wilt.* 4 *An. c. 21.* In which some alterations are made by the 1 *G. 2. c. 18.*
- (3) An act for the better preservation and improvement of the fishery within the river of *Thames*, and for regulating and governing the company of fishermen of the said river. 9 *An. c. 26.*

What follows, seems best reducible under these heads :

- I. *The penalty of fishing in ponds and other private fisheries.*
- II. *Rules about the size, and preserving the breed of fish.*
- III. *Rules concerning fishing in or near the sea.*
- IV. *Importing fish.*
- I. *The penalty of fishing in ponds and other private fisheries.*

1. Any man may erect a fish pond without licence ; because it is a matter of profit, and for the increase of victuals. 2 *Inst.* a fish pond. 199.

2. If any trespassers in ponds be thereof attainted at the suit of the party, great and large amends shall be awarded according to the trespass ; and they shall have three years imprisonment, and after shall make fine at the king's pleasure (if they have whereof) and then shall find good surety, that after they shall not commit the like trespass : And if they have not whereof to make fine, after Three years imprisonment and fine.

after three years imprisonment, they shall find like surety ; and if they cannot find like surety, they shall abjure the realm. And if none sue within the year and day, the king shall have the suit. 3 *Ed. 1. c. 20.*

Note ; Those are trespassers in ponds, who endeavour to take fish therein. 2 *Inst. 200.*

Three months imprisonment and treble damages.

3. If any person unlawfully break, cut, or destroy any head or dam of a fish pond, or shall wrongfully fish therein, with intent to take or kill fish ; he shall on conviction at the suit of the king, or of the party, at the assizes or sessions, be imprisoned three months, and pay treble damages ; and after the three months expired shall find sureties for his good abearing for seven years, or remain in prison till he doth. 5 *El. c. 21. f. 2, 6.*

Treble damages and 10 s. to the poor.

4. If any person shall use any net, angle, hair, noose, troll, or spear ; or shall lay any wears, pots, fish hooks, or other engines ; or shall take any fish by any means or device whatsoever, or be aiding thereunto, in an river, stew, pond, mote, or other water, without the consent of the lord or owner of the water ; and be thereof convicted by confession, or oath of one witness, before one justice, in one month after the offence ; every such offender in taking or killing fish, shall pay any sum not exceeding treble damages, and 10 s. to the overseers for the use of the poor, by distress ; for want of distress, to be committed to the house of correction not exceeding one month, unless he enter into bond with one surety to the party injured, not exceeding 10 l. never to offend in like manner. 22 & 23 *C. 2. c. 25. f. 7.*

And the justice may take, cut, and destroy all such angles, spears, hairs, nooses, trolls, wears, pots, fish hooks, nets or other engines, wherewith such offender shall be apprehended. *f. 8.*

Persons aggrieved may appeal to the next sessions, whose determination shall be final, if no title to any land, royalty, or fishery be therein concerned. *f. 9.*

Seizing of engines.

5. Whereas divers idle, disorderly, and mean persons, have and keep nets, angles, leaps, piches and other engines for the taking and killing of fish out of the ponds, waters, rivers, and other fisheries, to the damage of the owners thereof, therefore no person hereafter shall have or keep any net, angle, leap, piche, or other engine for the taking of fish ; other than the makers and sellers thereof, and other than the owner and occupier of a river or fishery ; and except fishermen and their apprentices lawfully authorized in navigable rivers. And the owner or occupier of the river or fishery, and every other person by him appointed, may seize, detain, and keep to his own use, every net, angle, leap, piche, and other engine, which he shall find used or laid, or in the possession of any person fishing in any river or fishery, without the consent of the owner or occupier thereof. And also any person, authorized by a justice's warrant, may in the day time search the houses, outhouses, and other places of any person hereby prohibited to have or keep the same, who shall be suspected to have or keep in his custody or possession any net, angle, leap, piche, or other engine aforesaid, and seize and keep the same to his own use, or cut or destroy the same, as things by this act prohibited

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The first of these is the fact that the
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hibited to be kept by persons of their degree. 4 & 5 W. c. 23.

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6. By the Black act before mentioned, if any person (during Felony, the continuance of the said act) being armed and disguised, shall unlawfully steal or take away any fish out of any river or pond; or (whether armed and disguised or not) shall unlawfully and maliciously break down the head or mound of any fish pond, whereby the fish shall be lost or destroyed, or shall rescue any person in custody for such offence, or procure any other to join with him therein; he shall be guilty of felony without benefit of clergy.

II. Rules concerning the size, and preserving the breed of fish.

1. If any person shall lay or draw any net, engine, or other Salmon, device, or cause any thing to be done in the *Sewern, Dee, Wye, Teame, Were, Tees, Ribble, Mersey, Dun, Air, Ouze, Swaile, Calder, Wharf, Eure, Darwent, or Trent*, whereby the spawn or fry of salmon, or any kepper or shedder salmon, or any salmon not 18 inches from the eye to the extent of the middle of the tail, shall be taken and killed; or shall set any bank, dam, hedge, flank, or net cros the same, whereby the salmon may be taken, or hindred from passing up to spawn; or shall between *July 31. and Nov. 12.* (except in the *Ribble*, where they may be taken between *Jan. 1. and Sept. 15*) take any salmon of any kind in any of the said rivers; or shall, after *Nov. 12.* yearly, fish there for salmon with any net less than $2\frac{1}{2}$ inches in the mesh; he shall, on conviction, in one month, before one justice, on view, confession, or oath of one witness, forfeit 5 *l.* and the fish, nets, and engines; half the said sum to the informer, and half to the poor, by distress; for want of distress, to be committed to the house of correction or gaol, not more than three months, nor less than one, to be kept to hard labour, and suffer such other corporal punishment as the justice can think fit: The nets and engines to be cut or destroyed, in presence of the justice: The banks, dams, hedges, and flanks, to be demolished at the charge of the offender, to be levied in like manner. 1 G. 2. c. 18. f. 14.

Note: It is not said, who shall have the fish; so that it seemeth that they are forfeited to the king.

And no salmon out of the said rivers shall be sent to *London*, under six pounds weight; on pain that the sender, buyer, or seller, on the like conviction, shall forfeit 5 *l.* and the fish, half to the informer, and half to the poor, by distress; for want of sufficient distress, to be committed to the house of correction or gaol, to be kept to hard labour for three months, if not paid in the mean time. *id.* f. 15.

And persons aggrieved may appeal to the next sessions. *id.* f. 17.

2. No salmon shall be taken in the *Humber, Ouze, Trent, Done, Salmon spawn, Arrè, Derwent, Wherfe, Nid, Yore, Swale, Tese, Tine, Eden*, or and smelts, any other water wherein salmon are taken, between *Sep. 8. and Nov. 11.* Nor shall any young salmon be taken at *Milpools* (nor in

other places, 13 R. 2. *ft.* 1. c. 19.) from *Midapril* to *Midsummer*; on pain of having the nets and engines burnt for the first offence; for the second, imprisonment for a quarter of a year; for the third, a whole year; and as the trespass increaseth, so shall the punishment. And overseers shall be assigned to inquire hereof. 13 *Ed.* 1. *ft.* 2. c. 47. That is, under the great seal, and by authority of parliament. 2 *Inst.* 477.

And no person shall put in the waters of *Thamise*, *Humber*, *Ouze*, *Trent*, nor any other waters, in any time of the year, any nets called stalkers, nor other nets or engines whatsoever, by which the fry or breed of salmons, lampreys, or any other fish may in any wise be taken or destroyed; on the like pain. 13 R. 2. *ft.* 1. c. 19.

And the waters of *Lon*, *Wyre*, *Mersee*, *Rybbyl*, and all other waters in *Lancashire*, shall be put in defence as to taking of salmons, from *Michaelmas* to *Candlemas*, and in no other time of the year. And conservators shall be appointed in like manner. 13 R. 2. *ft.* 1. c. 19.

And the justices of the peace (and the mayor of *London* on the *Thames* and *Medway*) shall survey the offences in both the acts abovementioned; and shall survey and search all the wears in such rivers, that they shall not be very strait for the destruction of such fry and brood, but of reasonable wideness after the old assize used or accustomed; and they shall appoint under-conservators, who shall be sworn to make like survey, search and punishment. And they shall inquire in sessions, as well by their office, as at the information of the under-conservators, of all defaults aforesaid, and shall cause them which shall be thereof indicted, to come before them; and if they be thereof convicted, they shall have imprisonment, and make fine at the discretion of the justices: and if the same be at the information of an under-conservator, he shall have half the fine. 17 R. 2. c. 9.

Spawn and fish
under size.

3. No person, of what estate, degree, and condition soever he be, shall take and kill any young brood, spawn, or fry of fish; nor shall take and kill any salmon or trouts, not being in season, being kepper or shedder; nor any pike or pikerel not being in length 10 inches fish or more; nor any salmon not being in length 16 inches fish; nor any trout not being in length eight inches fish; nor any barbel not being in length 12 inches: and no person shall fish or take fish by any device, but only with net or trammel, whereof the mesh shall be two inches and an half broad (angling excepted, and except smelts, loches, minnies, bulheads, gudgeons, and eels): on pain of forfeiting 20 *l.* for every offence, and also the fish, nets, and engines. 1 *El.* c. 17.

And the conservators of rivers may inquire hereof by a jury; and in such case they shall have the fines. *id.*

The leet also may inquire hereof; and then the forfeiture shall go to the lord of the leet. And if the steward do not charge the jury therewith, he shall forfeit 40 *s.* half to the king, and half to him that shall sue. And if the jury conceal the offence, he may impanel another jury to inquire of such concealment; and if it is found, the former jury shall forfeit every one 20 *s.* to the lord of the leet *id.* And

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And if the offence is not presented in the leet, within a year, then it may be heard and determined at the sessions or assizes. (Saving the right of the conservators.) *id.*

4. No person shall fasten any nets over rivers, to stand continually day and night; on pain of an hundred shillings to the king. *Nets standing day and night.*
2 H. 6. c. 15.

III. Rules concerning fishing in or near the sea.

1. No person shall take, kill, or destroy any lobsters on the coast of Scotland, from June 1. to Sept. 1. on pain of 5 l. to be recovered by any person who shall inform and sue for the same, on a summary complaint before two justices of the shire on the coast where the offence shall be committed. 9 G. 2. c. 33. s. 4. *Lobsters.*

2. Every person who shall set up any new wear along the sea shore, or in any haven, harbour, or creek, or within five miles of the mouth of any haven or creek, shall, on conviction before one justice, or mayor, forfeit for every offence 10 l. half to the king, and half to him that shall sue; to be levied by the constables or churchwardens, by distress. 3 J. c. 12. s. 2. *Erecting a new wear.*

3. Every person who shall willingly take, destroy, or spoil any spawn, fry, or brood of any sea fish, in any wear or other engine or device whatsoever; shall forfeit for every offence 10 l. in like manner. 3 J. c. 12. s. 2. *Spawn of sea fish.*

4. And every person who shall fish in any haven, harbour, or creek, or within five miles of the mouth of any haven, harbour, or creek of the sea, with any draw-net, or drag-net under three inches mesh, *viz.* 1 $\frac{1}{2}$ inch from knot to knot (except for the taking of smoulds in Norfolk only), or with any net with canvas, or other engine or device, whereby the spawn, fry, or brood of sea fish may be destroyed; shall in like manner forfeit such net, and also 10 s. for every offence, half to the poor, and half to him that shall sue. 3 J. c. 12. s. 2. *Size of nets at sea.*

But this act shall not extend to any net of lesser mesh, only for taking of herrings, pilchards, sprats, or lavidnian *id.* s. 3.

And by a subsequent statute, if any person shall use at sea, on the English coast, any trawl-net, drag-net, or set net, for catching of any fish (except herrings, pilchards, sprats or lavidnian) which hath the mesh less than 3 $\frac{1}{2}$ inches from knot to knot; or which hath a false or double bottom; or shall put one net behind another; he shall, on conviction (after summons) before one justice where the offender resides or shall be found, on oath of two witnesses, in one month after the offence, forfeit the same, and also 20 l. half to the informer, and half to the poor, by distress; for want of sufficient distress, to be committed to gaol for 12 months; and the nets to be burnt. 1 G. 3. c. 18. Persons aggrieved may appeal to the next sessions. *id.*

5. By the same act of 1 G. 3. c. 18. if any person shall bring to shore, or expose to sale any fish less than the following sizes from the eyes to the extent of the tail, *viz.* bret or turbot 16 inches, brill or pearl 14, codlin 12, whiting 6, bass and mullet 12, sole 8, plaice or dab 8, flounder 7 (except only such as shall be taken with

Size of sea fish.

a hook, 22 G. 2. c. 49. f. 22.) ; he shall forfeit the fish to the poor ; and also 20 s. half to the informer, and half to the poor ; to be levied in like manner : for default of payment, or of sufficient distress, to be sent to the next house of correction, or other common gaol of the county, to be severely whipt, and kept to hard labour six days, and not longer than 14. Persons aggrieved may appeal to the next sessions.

IV. Importing fish.

May be seized. 1. If any ling, herring, cod, or pilchard, salmon, eels, or congers, taken by foreigners, shall be imported or exposed to sale ; any person may seize the same, half for himself, and half for the poor. 18 C. 2. c. 2.

Penalty, 100 l. 2. And by the 1 G. 2. c. 18. and 9 G. 2. c. 33. no fish taken by, or received of any foreigner, except protestants inhabiting in *England*, shall be imported (except eels, stock fish, anchovies, sturgeon, botarge, or caviar, lobster, and turbot) ; on pain of 100 l. and the master of the vessel 50 l. half to the poor, and half to the informer who shall sue in 12 months in any of the courts at *Westminster*.

For fishing, so far as the salt duties are concerned therein, may be consulted that part of the title *Excise*, which treateth of the duties upon salt.

A. Appointment of a gamekeeper ; on the 22 & 23 C. 2. c. 25. f. 2. 5 An. c. 14. f. 4. and 3 G. c. 11. f. 1.

I A. L. esquire, lord of the manor of _____ do hereby nominate, authorize, and appoint A. G. of P. in the county of _____ yeoman, to be my gamekeeper of and within my said manor of _____ in the county aforesaid, with full power, licence, and authority to kill any hare, pheasant, partridge, or any other game whatsoever, in and upon my said manor of _____ for my sole use, and immediate benefit ; and also to take and seize all such guns, bows, greyhounds, setting dogs, lurchers, or other dogs to kill hares or conies, ferrets, trawls, lowbells, hays or other nets, harepipes, snares or other engines for the taking and killing of conies, hares, pheasants, partridges, or other game, as within the precincts of my said manor of _____ shall be used by any person or persons who by law are prohibited to keep or use the same. Given under my hand and seal, this _____ day of _____ in the _____ year, &c.

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VI

VI

B. Warrant to search for dogs and engines; on the
22 & 23 C. 2. c. 25. s. 2.

Westmorland. { To——

WHEREAS complaint hath been made unto me J. P. esquire,
one of his majesty's justices of the peace in and for the said
county, upon the oath of A. I. of—— in the said county, yeo-
man, that he the said A. I. hath good ground to suspect and doth
suspect that A. O. of—— aforesaid, in the county aforesaid,
yeoman, being a person in no respect qualified by the laws of this
realm so to do, hath and keepeth in his custody a greyhound [gun,
net, &c.] to kill and destroy the game: These are therefore to com-
mand you in his majesty's name to enter into, and search in the day
time, the houses, outhouses, and other places of him the said A. O.
at—— aforesaid, and if you there find any greyhound, &c. that
you seize and keep the same for the use of A. L. esquire, lord of the
manor of—— in which manor the said houses, outhouses, and
other places, are situate and do lie, or otherwise that you cut in pieces
or destroy the same Given under my hand and seal the—— day
of—— in the—— year, &c.

C. Warrant against a person for keeping dogs and
engines; on the 5 An. c. 14. s. 4.

Westmorland. { To——

WHEREAS complaint hath this day been made before me
J. P. esquire, one of his majesty's justices of the peace in
and for the county of—— aforesaid, upon the oath of A. I. of
—— in the said county, yeoman, that A. O. of the parish of
—— in the said county, shoemaker, doth keep [or use] a grey-
hound, &c. to kill and destroy the game, he the said A. O. not being
qualified by the laws of this realm so to do, contrary to the statutes
in such case made and provided: These are therefore in his majesty's
name to command you, that you do forthwith upon sight hereof ap-
prehend the said A. O. and bring him before me to answer the pre-
misses, and to be further dealt with according to law. Given under
my hand and seal the—— day of—— in the—— year of
the reign of——.

D. Conviction of keeping dogs and engines; on
the 5 An. c. 14. s. 4.

Westmorland. **B**E it remembred, that on the—— day of
—— in the—— year of the reign of
—— of Great Britain, France, and Ireland, king, defender of
the faith, and so forth, at—— in the county aforesaid, A. I.
of—— cometh before me J. P. esquire, one of the justices of our
said lord the king, assigned to keep the peace of our said lord the
king

king in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, and giveth me the said justice to understand and be informed, that one A. O. of the parish of ——— in the county aforesaid, shoemaker, on the ——— day of ——— in the ——— year aforesaid, at the parish aforesaid, in the county aforesaid, did keep and use a certain dog, called a greyhound, to kill and destroy the game, be the said A. O. not being qualified by the laws of this realm so to do, against the form of the statute in that case made and provided: And afterwards upon the aforesaid day, and in the year first above-mentioned, he the said A. O. being brought before me by my warrant for that purpose, is asked by me the said justice, if he can say any thing for himself; why he the said A. O. should not be convicted of the premises above charged upon him in form aforesaid; who pleadeth that he is not guilty of the said offence: nevertheless on the day aforesaid, in the year aforesaid, at ——— aforesaid, in the county aforesaid, one credible witness, to wit, A. W. of ——— yeoman, cometh before me the aforesaid justice, and before me the same justice upon his oath on the holy gospel to him then and there by me the aforesaid justice administered, deposeth, sweareth, and upon his oath aforesaid affirmeth, and saith, that the aforesaid A. O. on the ——— day of ——— aforesaid, in the year aforesaid, at the parish of ——— aforesaid, in the county aforesaid, did keep and use a certain dog called a greyhound, to kill and destroy the game: And thereupon the aforesaid A. O. the day and year aforesaid, at ——— aforesaid, in the county aforesaid, before me the same justice, by the oath of one credible witness aforesaid, according to the form of the statute aforesaid, is convicted: And for his offence aforesaid hath forfeited the sum of 5*l.* of lawful money of Great Britain, to be distributed as the statute aforesaid doth direct. In witness whereof, I the said justice to this present record of the conviction aforesaid, have set my hand and seal at ——— aforesaid, in the county aforesaid, the day and year first abovewritten.

If it shall be thought necessary to set forth specially, that the defendant had not such and such qualifications, then in reciting the testimony of the witness, the conviction should proceed thus:— did keep and use a certain dog called a greyhound, to kill and destroy the game; And that he the said A. O. then had not, nor yet hath, lands and tenements, nor any other estate of inheritance, in his own or his wife's right, of the clear yearly value of 100*l.* per annum, nor for term of life; nor any lease nor leases of 99 years, nor for any longer term, of the clear yearly value of 150*l.* and that he the said A. O. then was not, nor yet is, the son and heir apparent of an esquire, nor of any other person of higher degree; nor the owner nor keeper of any forest, park, chase, or warren; nor gamekeeper to any lord or lady of a manor: And thereupon ———

[illegible]

• — — — — —

W

3. *Conclusions* The authors would like to thank the referees for their valuable comments and suggestions. The authors also would like to thank the National Natural Science Foundation of China (Grant No. 70673056) for the financial support of this work.

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1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

E. Warrant to distrain 5*l.* for keeping dogs or engines; on the 5 *An. c. 14. f. 4.*

Westmorland. } To———

WHEREAS A. O. of —— in the said county, shoemaker, is this day convicted before me J. P. esquire, one of his majesty's justices of the peace in and for the said county, upon the oath of A. I. a credible witness, for that he the said A. O. being a person not qualified by the laws of this realm so to do, on the —— day of —— in the —— year of the reign of —— did keep and use in the parish of —— aforesaid, in the county aforesaid, a certain dog called a greyhound, to kill and destroy the game, by virtue whereof he the said A. O. hath forfeited the sum of 5 *l.* to be distributed as herein after is mentioned: These are therefore in his said majesty's name, to command you to levy the said sum by distress of the goods of him the said A. O. and if within the space of [four] days next after such distress by you taken, the said sum, together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods so by you distrained, and out of the money arising by such sale, that you do pay one half of the said sum of 5 *l.* to A. I. of —— in the said county, yeoman, who informed me of the said offence, and the other half of the said sum of 5 *l.* to the overseers of the poor of the parish of —— aforesaid, where the said offence was committed, for the use of the poor of the said parish; returning the overplus on demand unto him the said A. O. the reasonable charges of taking, keeping, and selling the said distress, being first deducted. And if sufficient distress cannot be found of the goods of the said A. O. whereon to levy the said sum of 5 *l.* that then you certify the same to me, together with the return of this precept. Given under my hand and seal the —— day of —— in the —— year of ——.

F. Commitment for want of distress, for keeping dogs and engines; on the 5 *An. c. 14. f. 4.*

Westmorland. } To the constable of —— in the said county,
and to the keeper of the house of correction at
—— in the said county.

WHEREAS A. O. of —— in the said county, shoemaker, was on the —— day of —— in the —— year of —— convicted before me J. P. esquire, one of his majesty's justices of the peace in and for the said county, upon the oath of A. W. a credible witness, for that he said A. O. not being a person by the laws of this realm qualified so to do, on the —— day of —— in the year aforesaid, did keep and use in the parish of —— aforesaid, in the county aforesaid, a certain dog called a greyhound, to kill and destroy the game, by virtue whereof he the said A. O.

bath forfeited the sum of 5 l. of lawful money of Great Britain; And whereas on the said — day of — in the year aforesaid, I did issue my warrant to the constable of — to levy the said sum of 5 l. by distress and sale of the goods of him the said A. O. and to distribute the same according as is directed by the statute in that behalf made; and whereas it duly appears to me, as well on the oath of the said constable, as otherwise, that he the said constable hath used his best endeavours to levy the said sum on the goods of the said A. O. as aforesaid, but that no sufficient distress can be had whereon to levy the same: These are therefore to command you the said constable of — aforesaid, to apprehend the body of the said A. O. and him safely to convey to the house of correction at — in the said county, and there deliver him to the said keeper thereof, together with this precept. And I do also hereby command you, the said keeper of the said house of correction, to receive into your custody in the said house of correction the said A. O. and him there safely to keep for the space of three months: and for so doing this shall be your sufficient warrant. Given under my hand and seal the — day of — in the — year, &c.

G. Certiorari bond, on a conviction for keeping dogs or engines; on the 5 An. c. 14. s. 2.

K NOW all men by these presents, &c. Whereas the abovebound A. O. was lately convicted before J. P. Esquire, one of his majesty's justices of the peace in and for the county of — aforesaid, of keeping and using at — aforesaid in the said county, a greyhound to kill and destroy the game; And whereas the said A. O. hath since his said conviction sued out his majesty's writ of certiorari to remove the same, and the proceedings thereupon, before the king himself wherever he shall be in England on — [the day of the return of the certiorari]: The condition of the above obligation is such, that if the abovebound A. O. do and shall (according to the true intent and meaning of the statute in such case made) well and truly pay to the said A. I. within 14 days after the same conviction shall be confirmed, or a procedendo granted thereupon, his full costs and charges which he shall sustain touching or concerning the said conviction and removal thereof by the said writ of certiorari; then the aboveswitten obligation shall be void, otherwise of force.

H. Warrant against a higler having game in his possession; on the 5 An. c. 14. s. 2.

Westmorland } To the constable of —

W HEREAS A. I. of — hath this day made oath before me J. P. Esquire, one of his majesty's justices of the peace in and for the said county, that on the — day of — now last past, he the said A. I. did see in the possession of A. O. of — in the parish of — in the county aforesaid, inn-keeper,

The first of these is the fact that the
 government has been unable to raise the
 necessary funds to meet its obligations.
 This has led to a severe financial crisis
 and has forced the government to seek
 assistance from the international community.
 The second major problem is the
 widespread corruption within the
 government and the private sector.
 This has led to a loss of confidence
 in the government and has hindered
 economic development. The third
 problem is the ongoing conflict between
 the government and the opposition.
 This has led to a state of civil war
 and has caused a large number of
 people to flee the country. The
 government has been unable to resolve
 this conflict and has instead
 resorted to military force. This has
 led to a further deterioration of the
 situation and has caused a large
 number of people to die. The
 government has been unable to
 address these problems and has
 instead resorted to repression.
 This has led to a further
 deterioration of the situation and
 has caused a large number of
 people to flee the country. The
 government has been unable to
 address these problems and has
 instead resorted to repression.

2019-2020

This image shows a blank, aged, cream-colored page, likely an endpaper or flyleaf of a book. The paper has a slightly textured appearance with some minor discoloration and dark smudges or stains, particularly along the left edge and bottom. The right edge of the page is slightly irregular, suggesting it is part of a bound volume. There is no text or other markings on the page.

1944

1. The first part of the document is a list of names and their corresponding addresses. The names are: John A. Smith, John B. Smith, John C. Smith, John D. Smith, John E. Smith, John F. Smith, John G. Smith, John H. Smith, John I. Smith, John J. Smith, John K. Smith, John L. Smith, John M. Smith, John N. Smith, John O. Smith, John P. Smith, John Q. Smith, John R. Smith, John S. Smith, John T. Smith, John U. Smith, John V. Smith, John W. Smith, John X. Smith, John Y. Smith, John Z. Smith. The addresses are: 123 Main St., 456 Main St., 789 Main St., 101 Main St., 202 Main St., 303 Main St., 404 Main St., 505 Main St., 606 Main St., 707 Main St., 808 Main St., 909 Main St., 1010 Main St., 1111 Main St., 1212 Main St., 1313 Main St., 1414 Main St., 1515 Main St., 1616 Main St., 1717 Main St., 1818 Main St., 1919 Main St., 2020 Main St., 2121 Main St., 2222 Main St., 2323 Main St., 2424 Main St., 2525 Main St., 2626 Main St., 2727 Main St., 2828 Main St., 2929 Main St., 3030 Main St., 3131 Main St., 3232 Main St., 3333 Main St., 3434 Main St., 3535 Main St., 3636 Main St., 3737 Main St., 3838 Main St., 3939 Main St., 4040 Main St., 4141 Main St., 4242 Main St., 4343 Main St., 4444 Main St., 4545 Main St., 4646 Main St., 4747 Main St., 4848 Main St., 4949 Main St., 5050 Main St., 5151 Main St., 5252 Main St., 5353 Main St., 5454 Main St., 5555 Main St., 5656 Main St., 5757 Main St., 5858 Main St., 5959 Main St., 6060 Main St., 6161 Main St., 6262 Main St., 6363 Main St., 6464 Main St., 6565 Main St., 6666 Main St., 6767 Main St., 6868 Main St., 6969 Main St., 7070 Main St., 7171 Main St., 7272 Main St., 7373 Main St., 7474 Main St., 7575 Main St., 7676 Main St., 7777 Main St., 7878 Main St., 7979 Main St., 8080 Main St., 8181 Main St., 8282 Main St., 8383 Main St., 8484 Main St., 8585 Main St., 8686 Main St., 8787 Main St., 8888 Main St., 8989 Main St., 9090 Main St., 9191 Main St., 9292 Main St., 9393 Main St., 9494 Main St., 9595 Main St., 9696 Main St., 9797 Main St., 9898 Main St., 9999 Main St.

The first of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

The second of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain.

The third of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

The fourth of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain.

The fifth of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

keeper, at ——— aforesaid, in the parish and county aforesaid, in the house of him the said A. O. then and there one hare [or, did see him offer to sell one hare, or as the case shall be] he the said A. O. being no way qualified by the laws of this realm, to have the said hare in his custody or possession; against the form of the statute in that case made and provided: These are therefore to command you, to bring the said A. O. before me or some other of his majesty's justices of the peace for the said county, to answer the premisses, and to be further dealt withal according to law. Given under my hand and seal, the ——— day of ——— in the ——— year &c.

- I. Warrant to levy 5*l*. on the goods of a higher convicted of having game in his custody; on the 5 *An. c.* 14. *f.* 2.

Westmorland. } To the constable of ———.

WHEREAS A. O. of ——— in the parish of ——— in the county aforesaid, higher, is on this present ——— day of ——— in the ——— year of the reign of ——— duly convicted before me J. P. esquire, one of his majesty's justices of the peace in and for the said county, upon the oath of A. W. a credible witness, for that he the said A. O. on the ——— day of ——— in the ——— year of ——— at the parish of ——— aforesaid, in the county aforesaid, had in his custody and possession one hare, he the said A. O. being no way qualified by the laws of this realm to have the said hare in his custody or possession, against the form of the statute in that case made, by reason whereof, he the said A. O. hath forfeited the sum of 5*l*. These are therefore to require you to levy the said sum of 5*l*. by distress of the goods of him the said A. O. and if within the space of [five] days next after such distress by you taken, the said sum of 5*l*. together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods so by you distrained as aforesaid, and out of the money arising by such sale, that you do pay one half of the said sum of 5*l*. to A. I. of ——— yeoman, who informed me of the said offence, and the other half to the poor of the parish of ——— aforesaid, within which parish the said offence was committed; returning to him the said A. O. the overplus on demand, the reasonable charges of taking, keeping, and selling the said distress, being first deducted. And if sufficient distress cannot be had of the goods of the said A. O. that you certify the same to me together with the return of this precept. Given under my hand and seal the ——— day of ——— in the ——— year of ———

K. Commitment on the same for want of distress ;
on the 5 *An. c. 14. s. 2.*

Westmorland. { To the constable of ——— in the said county,
and to the keeper of the house of correction at
———— in the said county.

WHEREAS A. O. of ——— in the said county, bigler,
was on the ——— day of ——— duly convicted before me
J. P. esquire, one of his majesty's justices of the peace in and for the
said county, upon the oath of A. W. of ——— a credible witness,
for that he the said A. O. on the ——— day of ——— in the
—— year of ——— at the parish of ——— aforesaid, in the
county aforesaid, had in his custody and possession one hare, he the said
A. O. being no way qualified by the laws of this realm to have the
said hare in his custody or possession, against the form of the statute in
that case made, by reason whereof he the said A. O. hath forfeited
the sum of 5*l.* And whereas on the said ——— day of ——— in the
year aforesaid, I did issue my warrant to the constable of ——— to
levy the said sum of 5*l.* by distress and sale of the goods of him the
said A. O. and to distribute the same according as is directed by the
said statute ; And whereas it duly appears to me, as well on the oath
of the said constable of ——— as otherwise, that he the said
constable of ——— hath used his best endeavours to levy the said
sum on the goods of the said A. O. as aforesaid, but that no sufficient
distress can be found whereon to levy the same ; These are there-
fore to require you the constable of ——— aforesaid, to carry
the said A. O. to the said house of correction at ——— aforesaid,
and deliver him to the said keeper thereof, together with
this precept. And you the said keeper are hereby commanded to re-
ceive into your custody in the said house of correction him the said
A. O. and him there safely to keep for the space of three months,
without bail or mainprize ; and for your so doing this shall be your
sufficient warrant. Given under my hand and seal the ———
day of ——— .

L. Mittimus for carrying a gun ; on the 33 *H. 8.*
c. 6. from Mr. Dalton.

Westmorland. { To the keeper of his majesty's gaol at ——— in
the county of ——— aforesaid, and to his deputy
or deputies there, and to every of them.

FORASMUCH as this present day, A. I. of ——— yeo-
man, and B. I. of ——— yeoman, did arrest and bring be-
fore me at ——— in the said county, one A. O. late of ——— in
the said county, taylor, whom they had seen and found the same
day (as they said) shooting in a hand gun, charged with powder
and hail shot, at a coney, in a certain place in ——— within the
said county, called ——— contrary to the law of the realm, and
thereupon prayed that justice might be done in that behalf: I John
Moore,

[The page contains extremely faint, illegible text, likely bleed-through from the reverse side.]

The first of these is the fact that the
 second of these is the fact that the
 third of these is the fact that the
 fourth of these is the fact that the
 fifth of these is the fact that the
 sixth of these is the fact that the
 seventh of these is the fact that the
 eighth of these is the fact that the
 ninth of these is the fact that the
 tenth of these is the fact that the

Moore, esquire, being the next justice of the peace in the said county to the place aforesaid, did then at ——— aforesaid, upon the said request, take the examination of the said A. O. and did also then and there hear the proofs of them the said A. I. and B. I. touching the said offence; And for that it did then manifestly appear unto me, as well by the testimonies of them the said A. I. and B. I. as also by the plain confession of him the said A. O. that he the said A. O. had not then lands, tenements, fees, annuities or offices, to the yearly value of an hundred pounds, and that he had shot in the said hand gun in manner and form as is aforesaid: I do send you herewithal the body of him the said A. O. as lawfully convicted of the said offence before me, requiring you in his majesty's name, to receive him into your said gaol, and him there safely to keep, until he shall have truly paid the pain and forfeiture of 10l. of lawful money of Great Britain, laid upon him for his said offence by the statute made in the thre and thirtieth year of the reign of King Henry the eighth; that is to say, the one moiety thereof to our sovereign lord the king, and the other moiety to them the said A. I. and B. I. the first bringers of him before me. And this shall be your sufficient warrant in this behalf. Hereof fail you not, as you will answer for your contempt at your peril. Given under my hand and seal at ——— aforesaid, in the county aforesaid, the ——— day of ——— in the ——— year of the reign of ———.

M. Record of the conviction for carrying a gun;
on the 33 H. 8. c. 6. from Mr. Dalton.

Westmorland. **B**E it remembered, that on the ——— day of ——— in the ——— year of the reign of ——— A. I. of ——— yeoman, and B. I. of ——— yeoman, one A. O. late of ——— in the county aforesaid, taylor, found and saw, at ——— in the county aforesaid, the day and year aforesaid, with a hand gun charged with gunpowder and leaden ball shot, shooting and discharging the said gun, at a certain coney then being in a certain place there, called ——— against the form of the statute in that case made and provided; and therefore, the day and year aforesaid, him the said A. O. at ——— aforesaid, they did arrest, and at ——— aforesaid before me ——— esquire, one (and next unto the said place called ———) of the justices of our said lord the king, assigned to keep the peace in the said county, and also to hear and determine divers trespasses and other misdemeanors in the same county committed, then with them did bring, requesting thereupon justice to be done; which request being heard, I the said J. P. at ——— aforesaid, the day and year aforesaid, duly thereupon have examined the aforesaid A. O. at ——— aforesaid, and the proofs of the aforesaid A. I. and B. I. in this behalf have taken: And because that as well by the proofs aforesaid, as by the confession of him the said A. O. at ——— aforesaid, then and there it hath appeared to me manifestly, that the aforesaid A. O. at ——— aforesaid, when he had not in his own right, nor in the right of his wife, to his own use, nor any other to the use of the said A. O. had lands, tenements, fees, annuities or offices to
the

the yearly value of one hundred pounds, in the hand gun aforesaid, in manner and form aforesaid, did shoot, against the form of the statute aforesaid; I the said J. P. the aforesaid A. O. at ——— aforesaid, the day and year aforesaid, to the next gaol of our said lord the king, at ——— in the county aforesaid (of the trespass aforesaid before me convicted) have committed, there to remain until the penalty and forfeiture of 10l. of lawful money of Great Britain, he shall truly pay or cause to be paid, to wit, one moiety thereof to our said lord the king, and the other moiety thereof to the said A. I. and B. I. the first bringers of the said A. O. before me as is aforesaid. In witness of all which, I the aforesaid J. P. to these presents have put my seal. Given at ——— aforesaid, the day and year first above written.

N. Conviction for killing deer, from Tremaine's entries, 328, 329. which conviction was on the 13 C. 2. c. 10. but is here altered to grounds inclosed, to bring the offence within the 3 W. c. 10. which is done by the addition only of that single word [*inclosed*] with the alteration of the penalty.

Cumberland. **B**E it remembred, that on the third day of September in the year of the reign of our lord Charles the second now king of &c. the thirty second, one Benjamin Granger of ——— gentleman, comth before me John Aglionby, esquire, one of the justices of our said lord the king, assigned to keep the peace of our said lord the king in the said county of C. at G. in the same county, and giveth me to understand and be informed, that one James Dobson, late of ——— J. B. late of ——— and L. M. late of ——— on the 25th day of August in the year of the reign of our said lord the now king, the 32d aforesaid, in a certain park then of the most noble Henry duke of Northok, called Graystock park, in the parish of Graystock, in the said county, then and long before and yet being ground inclosed, wherein deer then were and long before had been usually kept, unlawfully hunted, and a certain fallow deer of the said duke then in the same park killed, took, and carried away, without the consent of the said duke then owner of the said park, or of Andrew Huddleston, esquire, then being chiefly intrusted with the custody of the same park, against the form of the statute in such case made and provided: And afterwards, to wit, on the aforesaid third day of September in the 32d year aforesaid, two credible witnesses, that is to say, J. H. of ——— and T. B. of ——— come before me the said justice assigned &c. at G. aforesaid, and before me the said justice assigned &c. upon their oath on the holy gospel of god to them then and there by me the aforesaid justice assigned &c. by the authority of the statute aforesaid administered and given, do depose, swear, and say, and each of them doth depose, swear, and say, upon their oath aforesaid, that the aforesaid J. D. J. B. and L. M. on the aforesaid 25th day of August in the 32d year

year aforesaid, in the aforesaid park and ground inclosed, of the aforesaid duke of Norfolk, in the parish of Graystock aforesaid, unlawfully hunted, and the aforesaid fallow deer of him the said duke, then in the said park and ground inclosed, took, killed, and carried away, without the consent of the same duke then owner of the said park and ground inclosed, or of the aforesaid A. H. esquire, then with the custody of the same park and ground inclosed as is aforesaid chiefly intrusted. And thereupon they the aforesaid J. D. J. B. and L. M. on the said 3d day of September in the 32d year aforesaid, before me the said justice assigned &c. by the oath of two credible witnesses aforesaid, according to the form of the statute aforesaid, are, and every of them is, convicted. And for the offence aforesaid, every of them the aforesaid J. D. J. B. and L. M. according to the form of the statute aforesaid, hath severally forfeited the sum of 30l. one third part thereof to the aforesaid R. G. the informer in this behalf as is aforesaid, another third part thereof to the use of the poor of the said parish of G. within which parish the offence aforesaid was committed, and the other third part thereof to the duke aforesaid, owner of the deer aforesaid. In witness whereof I the aforesaid justice to this present record of the conviction as aforesaid, have set my hand and seal, at G. aforesaid, on the day and year first abovementioned.

John Aglionby.

O. Warrant of distress for hunting and killing deer; on the 3 W. c. 10. s. 2.

Westmorland. } To ———.

WHEREAS A. O. of ——— yeoman, is this day duly convicted before me J. P. esquire, one of his majesty's justices assigned to the keep the peace in the said county, and also to hear and determine divers trespasss and other misdemeanors in the said county committed, by the oath of A. W. of ——— yeoman, a credible witness, for that he the said A. O. on the ——— day of ——— in the ——— year of ——— in a certain park, then of Sir P. M. baronet, in the parish of ——— in the said county, then and long before and yet being ground inclosed, wherein deer then were and long before had been usually kept, unlawfully did hunt, and a certain fallow deer of the said Sir P. M. baronet, then in the same park did kill, take, and carry away, without the consent of the said Sir P. M. baronet, then owner of the said park, or of any other person then chiefly intrusted with the custody of the same park, against the form of the statute in such case made and provided; by reason whereof he the said A. O. hath forfeited the sum of 30l. of lawful money of Great Britain, to be distributed as herein after is mentioned:

These are therefore in his said majesty's name to command you to levy the said sum by distress of the goods and chattels of him the said A. O. And if within the space of [six] days next after such distress

stres by you taken, the said sum of 30l. together with reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained as aforesaid; and out of the money arising by such sale, that you do pay one third part of the said sum of 30l. to A. I. of ——— in the said county, yeoman, who informed me of the said offence; and one third part unto the churchwardens or overseers of the poor of the said parish of ——— for the use of the poor of the said parish, and the other third part to the said ——— owner of the said deer; returning to him the said A. O. the overplus upon demand, the reasonable charges of taking, keeping, and selling the said distress being first deducted. And if sufficient distress cannot be had or found, by and on which the said sum of 30l. may be levied, you are hereby required to certify the same to me, within two days after the date of this present warrant. Given under my hand and seal, at ——— in the county aforesaid, the ——— day of ——— in the ——— year of the reign of ———.

P. Commitment for want of distress, for hunting and killing deer; on the 3 W. c. 10. s. 2.

Westmorland. { To the constable of ——— in the said county, and to the keeper of the common gaol at ——— in the said county, and to the chief officer of the market town of ——— in the said county, and to every of them.

WHEREAS A. O. of ——— labourer, was on the ——— day of ——— duly convicted before me J. P. esquire, one of his majesty's justices assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, by the oath of A. W. of ——— yeoman, a credible witness, for that he the said A. O. on the ——— day of ——— in the ——— year ——— in a certain park then of ——— esquire, in the parish of ——— in the said county, then and long before and yet being ground inclosed wherein deer then were and long before had been usually kept, unlawfully did hunt, and a certain fallow deer of the said ——— esquire, then in the same park did kill, take and carry away, without the consent of the said ——— then owner of the said park, or of any other person then chiefly intrusted with the custody of the same park, against the form of the statute in such case made and provided; by reason whereof he the said A. O. hath forfeited the sum of 30l. of good and lawful money of Great Britain; And whereas on the said ——— day of ——— in the year aforesaid, I did issue my warrant to the constable of ——— to levy the said sum of 30l. by distress of the goods and chattels of him the said A. O. and to pay over the said sum of 30l. according as is directed by the statute aforesaid; And whereas it duly appears to me, as well on the oath of the said constable of ——— as otherwise, that he the said constable of ——— hath used his best endeavours to levy the said sum of

Game.

of 301. on the goods and chattels of the said A. O. as aforesaid, but that no sufficient distress can be found whereon to levy the same: Therefore in pursuance of the statute aforesaid, I do hereby command you the said constable of ——— him the said A. O. to apprehend and safely to convey to the said common gaol at ——— aforesaid in the county aforesaid, and him to deliver to the keeper thereof aforesaid, together with this precept: And I do hereby command you the said keeper of the gaol aforesaid, to receive into your custody in the said gaol him the said A. O. and him there safely to keep for the space of one whole year now next ensuing; saving that within the said year you deliver him the said A. O. to the chief officer of ——— being the next market town next adjoining to the place where the said offence was committed, or to his under officer or officers, together with this precept, who are hereby respectively required to set the said A. O. in the pillory in the said market town by the space of one hour on some market day. And hereof fail not, as you will respectively answer the same at your perils. Given under my hand and seal, at ——— in the said county, the ——— day of ——— in the year ———.

Q. Warrant to search for venison or skins; on the
3 W. c. 10. s. 3.

Westmorland. { To the constable of ———.

WHEREAS A. I. of ——— in the said county, yeoman, hath this day made oath before me J. P. esquire, one of his majesty's justices of the peace in and for the said county, that divers fallow deer have of late been unlawfully killed in, and taken and carried away from the park and ground inclosed of ——— at ——— in the said county, and that be the said A. I. hath just cause to suspect, and doth suspect, that venison or the skins of deer, or toyls whereby to take and kill deer, are concealed in the houses, outhouses, or other places belonging to the said houses of A. O. of ——— yeoman, and B. O. of ——— yeoman, at ——— aforesaid in the county aforesaid: These are therefore in his said majesty's name, and by virtue of the statute in that case made and provided, to require you that you do forthwith upon sight hereof, enter into and search the said houses, outhouses, and other places belonging to the said houses, of them the said A. O. and B. O. at ——— aforesaid; and if on such search you shall there find any venison, or skin of any deer, or toyls aforesaid, that you do apprehend the person or persons, in whose houses, outhouses, or other places aforesaid, such venison, skin, or toyls shall be found, and him or them so apprehended do carry before some of his said majesty's justices of the peace in and for the said county, to be examined concerning the premisses, and further dealt withal according to law. Given under my hand and seal, the ——— day of ——— in the year ———.

Gaming.

Gaming is an offence at common law.

1. **M**R. Dalton says, that playing at cards and dice, and the like, are not prohibited by the common law; neither are they *malum in se*, of their own natures, but only prohibited by statute. *Dalt. c. 46.*

Gaming house a nuisance.

2. But it hath been said, that all common gaming houses are nuisances in the eye of the law, as being great temptations to idleness, and apt to draw together numbers of disorderly persons. *1 Haw. 198.*

Gaming houses prohibited by the 33 H. 8.

3. By the statute of the 33 H. 8. c. 9. No person shall for his gain, lucre, or living, keep any common house, alley, or place of bowling, coying, cloysh cayls, half bowl, tennis, dicing table, or carding, or any unlawful game; on pain of 40s. a day. *f. 11.*

But it was resolved upon this clause, in the third year of J. 1. that if the guests in an inn or tavern, call for a pair of dice or tables, and for their recreation play with them, or if any neighbours play at bowls for their recreation, or the like, these are not within this statute; for altho' the games be used in any inn, tavern, or other house, yet if the house be not kept for gaming, lucre, or gain, but they play only for recreation, and for no gain to the owner of the house, this is not within the statute, nor is such person that plays in such house that is not kept for lucre or gain, within the penalty of that law. *Dalt. c. 46.*

And moreover, by the same statute it is further enacted, that every person using and haunting any the said houses and plays, and there playing, shall forfeit 6s. 8d. *33 H. 8. c. 9. f. 12.*

And all and every justices of the peace, mayors, sheriffs, and other head officers, may enter all such houses and places, where such games shall be suspected to be holden; and as well the keepers of the same, as also the persons there resorting and playing, may take, arrest, and imprison, and keep in prison, until the said keepers have found sureties to the king's use, to be bound by recognizance or otherwise, no longer to use, keep, or occupy any such house, play, game, alley, or place; and also that the persons there so found, be in like case bound by themselves, or with sureties, no more to play, haunt, or exercise from thenceforth, in, at, or to any of the said places, or at any of the said games. *id. f. 14.*

And the mayors, sheriffs, bailiffs, constables, and other head officers within every city, borough, or town, shall make due search weekly, or at the furthest once a month, in all places where any such houses or places shall be suspected to be kept; and if they shall not make such search at the furthest once a month, if the case so require, every such person offending shall forfeit 40s. for each month. *id. f. 15.*

And by the same act, no manner of artificer, handicraftsman, husbandman, apprentice, labourer, servant at husbandry, journeyman,

Journal

Jan 1st 1880. Arrived at New York from
London via Liverpool. Found everything
in the best of order.

Jan 2nd 1880. Spent the day in
visiting the various places of interest
in the city.

Jan 3rd 1880. Left New York for
Boston via Providence. Arrived at
Boston at 10 o'clock.

Jan 4th 1880. Spent the day in
visiting the various places of interest
in the city.

Jan 5th 1880. Spent the day in
visiting the various places of interest
in the city.

Jan 6th 1880. Spent the day in
visiting the various places of interest
in the city.

Jan 7th 1880. Spent the day in
visiting the various places of interest
in the city.

Jan 8th 1880. Spent the day in
visiting the various places of interest
in the city.

Jan 9th 1880. Spent the day in
visiting the various places of interest
in the city.

Jan 10th 1880. Spent the day in
visiting the various places of interest
in the city.

Jan 11th 1880. Spent the day in
visiting the various places of interest
in the city.

Jan 12th 1880. Spent the day in
visiting the various places of interest
in the city.

Jan 13th 1880. Spent the day in
visiting the various places of interest
in the city.

Jan 14th 1880. Spent the day in
visiting the various places of interest
in the city.

[The page contains extremely faint, illegible text, likely bleed-through from the reverse side. The text is organized into several columns and appears to be a list or ledger of some kind.]

man, or servant of artificer, mariners, fishermen, watermen, or any serving man, shall play at the tables, tennis, dice, cards, bowls, clash coytng, logating, or any other unlawful game, out of *Christmas*, on pain of 20*s.* and in *Christmas* to play at the said games only in their masters houses, or in their masters presence; and also no person shall at any time play at bowls in open places out of his garden or orchard, on pain of 6*s.* 8*d.* *id.* *f.* 16.

But any master may license his servant to play at cards, dice, or tables with himself, or with any other gentleman openly in his house, or in his presence. *id.* *f.* 22.

And any nobleman, or other person having 100*l.* a year, may command or license his servants, or family of his house, to play within the precinct of his house, garden, or orchard, at cards, dice, tables, bowls, or tennis, as well amongst themselves, as others repairing to the same house. *id.* *f.* 23.

And all justices of the peace, mayors, bailiffs, sheriffs, and other head officers, and every of them, *finding or knowing* any person using unlawful games, contrary to this act, may commit every such offender to ward, there to remain without bail or main-prize, till he be bound by obligation to the king's use, in such sum as by the discretion of the said justices or other such officers shall be thought reasonable, that they shall not from thenceforth use such unlawful games. *id.* *f.* 16.

And by the 2 *G. 2. c.* 28. Where it shall be *proved on the oath of two witnesses* before any justice of the peace, as well as where he shall find upon his own view, that any person hath used any unlawful game contrary to the said statute, the said justice shall have power to commit him to prison without bail, unless and until he shall enter into recognizance, with sureties or without at the discretion of the justice, that he shall not from thenceforth play at or use such unlawful game. *f.* 9.

And where any the forfeitures abovementioned shall be found within the precincts of any leet, the lord shall have one half, and the other half shall be to him that shall sue in any of the king's courts: and elsewhere, they shall be half to the king, and half to him that shall sue in like manner. 33 *H. 8. c.* 9. *f.* 18.

But by the 31 *El. c.* 5. All suits to be pursued upon any statute (that is, any statute then in force) for using any unlawful game, shall be sued and prosecuted, or otherwise heard and determined, in the general quarter sessions or assizes of the county where the offence shall be committed, or in the leet within which it shall happen, and not in any wise out of the county. *f.* 7.

And no privilege of parliament shall be allowed to any person, against whom a prosecution shall be commenced, for keeping any common gaming house, or place for playing at any prohibited game. 18 *G. 2. c.* 34. *f.* 7.

4. By the 25 *G. 2. c.* 36. any house, room, garden, or other place, kept for publick dancing, musick, or other entertainment of the like kind, in *London*, or within 20 miles thereof, without licence as hereafter following (except the theatres of *Drury-Lane*, *Covent Garden*, the *Hay-Market*, and other entertainments exercised by letters patents or licence of the crown, or of the lord

Gaming house within *London*, and 20 miles thereof.

chamberlain) shall be deemed a disorderly house or place, and the keeper thereof shall forfeit 100*l.* with full costs to him who shall sue (in six months) in any of the courts at *Westminster*. And the person who shall appear to act as master, or as having the management of such disorderly house, shall be deemed the keeper thereof.

Which said licence shall be granted at the last preceding *Michaelmas* sessions, and shall be signed and sealed by four justices in open court, and afterwards be publicly read by the clerk of the peace, with the names of the justices subscribing the same; and no licence shall be granted at any adjourned sessions; nor shall any fee be taken for the same. And there shall be inserted in such licence, and made conditions thereof, that the words following shall be affixed in large capital letters over the door or entrance of every such licensed house or place, *viz. Licensed pursuant to act of parliament of the twenty-fifth of king George the second*; and that it shall not be opened before five in the afternoon. And in case of a breach of either of the said conditions, the licence shall be forfeited, and revoked by the justices at the next sessions, and shall not be renewed.

And to encourage prosecutions against persons keeping bawdy houses, gaming houses, or other disorderly houses, the constable, on notice given him in writing by any two inhabitants of the parish, paying scot and lot, of any person keeping such house, shall forthwith go with them to a justice of the peace; and shall (on their making oath that they believe the contents of such notice to be true, and entring into a recognizance of 20*l.* each to produce evidence of the offence,) enter into a recognizance of 30*l.* to prosecute with effect such person at the next sessions or assizes, as to the justice shall seem meet: and on the constable entring into such recognizance, the justice shall issue his warrant for bringing the accused persons before him, and shall bind them over to appear at the said sessions or assizes, and shall also, if he thinks fit, demand and take surety for their good behaviour in the mean time.

And if the constable shall neglect or refuse, upon such notice, to go before a justice, or to enter into recognizance, or shall be wilfully negligent in carrying on the prosecution, he shall forfeit 20*l.* to each of the said inhabitants.

And on trial, any person may give evidence against the defendant, notwithstanding his being a parishioner, or having entred into such recognizance.

And the constable shall be allowed all the reasonable expences of the prosecution, to be ascertained by two justices; and shall be paid the same by the overseers of the poor: and if such person be convicted, the overseers shall also forthwith pay 10*l.* to each of such inhabitants, on pain of forfeiting double to the said persons.

And no indictment of such offence shall be removed by *certiorari*.

5. By the 9 *An. c. 14.* Any person who shall at any time or sitting, by playing at cards, dice, tables, or other game whatsoever, or by betting on the sides of such as do play, lose to any one

1. The first part of the document
describes the general situation
of the country and the
state of the population.
2. The second part of the document
describes the state of the
economy and the state of the
agriculture.
3. The third part of the document
describes the state of the
industry and the state of the
commerce.
4. The fourth part of the document
describes the state of the
education and the state of the
science.
5. The fifth part of the document
describes the state of the
art and the state of the
literature.
6. The sixth part of the document
describes the state of the
religion and the state of the
morality.
7. The seventh part of the document
describes the state of the
politics and the state of the
government.
8. The eighth part of the document
describes the state of the
military and the state of the
navy.
9. The ninth part of the document
describes the state of the
foreign relations and the state of the
diplomacy.
10. The tenth part of the document
describes the state of the
international law and the state of the
international relations.

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one or more persons so playing or betting, in the whole the sum or value of 10*l.* and shall pay or deliver the same, or any part thereof; the person so losing and paying or delivering the same, shall be at liberty in three months to sue for and recover the same with costs, in any court of record: and if he shall not sue in three months, it shall be lawful for any person to sue for and recover the same and treble value, with costs; half to such person who shall sue, and half to the poor. *f. 2.*

And every person who shall so be liable to be sued for the same, shall be obliged and compellable to answer on oath such bill as shall be preferred against him, for discovering the sum of money or other thing so won. *9 An. c. 14. f. 3. 18 G. 2. c. 34. f. 3.*

Or other game whatsoever] *M. 15 G. 2. Goodburn and Marley.* It was determined, that *horse races* are within these general words. *Str. 1159.*

6. And by the *18 G. 2. c. 34.* If any person shall win or lose at play, or by betting, at one time, the value of 10*l.* or within the space of 24 hours the value of 20*l.* he shall be liable to be indicted for such offence, in six months, either in the king's bench or at the assizes; and being convicted, shall be fined five times the value of the sum won or lost, which (after such charges as the court shall judge reasonable, allowed thereout to the prosecutor and evidence) shall go to the poor. *f. 8.*

*Losing 10*l.* at a time, or 20*l.* in 24 hours.*

And if any offender shall discover another offender, so that he be convicted, the discoverer shall be discharged from all penalties by reason of such offence, if not before convicted thereof, and shall be admitted as an evidence to prove the same. *f. 9.*

But nothing in this act shall repeal the aforesaid act of *9 An. id. f. 10.*

7. If any person shall play at cards, dice, tables, tennis, bowls, kittles, shovelboard, or any other pastime or game whatsoever (other than for ready money) or bet on the sides of such as shall play, and shall lose any sum or other thing, exceeding 100*l.* at any one time or meeting, upon ticket, or credit, or otherwise, and shall not pay down the same at the time when he shall lose the same; in such case he shall not be bound to make it good, but the contract for the same, and for every part thereof, and all assurances and securities for the same shall be void; and the winner shall forfeit treble value of all such sums as he shall so win above 100*l.* half to the king, and half to him that shall sue in one year in the courts at *Westminster*, with treble costs. *16 C. 2. c. 7. f. 3.*

*Losing above 100*l.* at a time.*

8. And all notes, bills, bonds, judgments, mortgages, or other securities, where the whole or any part of the consideration shall be for money or any other valuable thing, won by playing at cards, dice, tables, tennis, bowls, or other game whatsoever; or by betting on the sides of such as do game; or for the reimbursing or repaying any money knowingly lent or advanced, at the time and place of such play, to any person so gaming or betting, or that shall (during such play) so play or bet,—shall be void: And where such securities shall be of lands, or such as incumber or af-

Securities to be void.

fect the same; they shall enure and be to the sole use and benefit of, and devolve upon such person as might have such lands, in case the said grantor, or person so incumbering the same, had been dead: And all conveyances to hinder them from devolving on such person, shall be void. 9 *An. c. 14. s. 1.*

Securities] H. 19 G. 2. *Borjeau and Walmfley*. The plaintiff and defendant gammed together, at tossing up for five guineas at a time. And the plaintiff having won all the defendant's ready money, lent him ten guineas at a time, and won it, till the defendant had borrowed 120 guineas. In an action for money lent, it was insisted for the defendant, that by the 9 *An. c. 14.* the plaintiff could maintain no action; for by that act, all *securities* for money lent to game with shall be void; and the borrowing on an agreement to pay, is a *security*. But Lee Ch. J. held, that this was not a case within the act, for there is not the word *contract*, as in the statute of usury; and the word *securities*, as it stands in this act, must mean lasting liens upon the estate. The parliament might think there would be no great harm in a parol contract, where the credit was not like to run very high; and therefore confined the act to written securities. Wherefore the plaintiff obtained a verdict for 126 *l.* *Str.* 1249.

Persons suspected
of supporting
themselves by
gaming.

9. And any two justices may cause to come, or to be brought before them, every person whom they shall have just cause to suspect to have no visible estate, profession, or calling, to maintain themselves by, but do for the most part support themselves by gaming; and if such person shall not make it appear to the said justices, that the principal part of his expences is not maintained by gaming, they shall require of him sufficient securities for his good behaviour for 12 months, and in default of his finding such securities, shall commit him to the common gaol, until he shall find such securities as aforesaid. 9 *An. c. 14. s. 6.*

And if he shall, during the time for which he shall be bound, at any one time or sitting, play or bet for any sums or other thing exceeding in the whole the value of 20 *s.* such playing shall be deemed a forfeiture of the recognizance. *s. 7.*

Cheating.

10. If any person shall by any fraud, unlawful device, or other ill practice in playing at cards, dice, tables, tennis, bowls, kittles, shovelboard; or by cockfightings, horse races, dog matches, foot races, or other pastimes or games; or by bearing a share in the stakes; or by betting on the sides of such as shall play, act, ride, or run as aforesaid,—win any sum or other valuable thing; he shall forfeit treble the value, half to the king, and half to the party grieved (if he shall sue in six months), otherwise to any person who shall sue in one year next after the said six months, in any of the courts at *Westminster*, with treble costs. 16 *C. 2. c. 7. s. 2.*

And by the 9 *An. c. 14.* If any person shall by any fraud or shift, connivance, circumvention, deceit, or unlawful device, or ill practice whatsoever, in playing at cards, dice, tables, tennis, bowls, or any the games aforesaid, or bearing a share in the stakes, or betting on the sides of such as do play, win any sum of money

or

or other valuable thing, and shall be convicted thereof upon indictment or information; he shall forfeit five times the value of such money or other thing so won, and shall be deemed infamous and suffer such corporal punishment as in cases of wilful perjury; and such penalty to be recovered by such person as shall sue for the same, by such action as aforesaid. *f. 5.*

T. 9 G. 2. K. and Luckup. The defendant was convicted on an information upon this act, which says, that he shall forfeit five times the value, to be recovered by a common informer, upon conviction. And it was moved, that a fine should be set upon the defendant, if he refused to speak with the prosecutor. But by the court, All the judgment we can give is, *that he is convicted*; and a new action must be brought upon that judgment for the forfeiture, which was thought sufficient to deter the offenders. In the case of recusancy, there is no other judgment. And the defendant was discharged, without any fine or costs. *Str. 1048.*

11. And for the preventing such quarrels as may happen on the account of gaming; if any person shall assault and beat, or challenge to fight, any other person whatsoever, on account of any money won by gaming, playing, or betting, at any the games aforesaid, he shall, on conviction thereof by indictment or information, forfeit to the king all his goods and chattels and personal estate whatsoever, and shall also suffer imprisonment without bail or mainprise, in the common gaol of the county where the conviction shall be had, during the term of two years. *9 An. c. 14. f. 8.*

12. It is generally provided by the several statutes, that nothing therein shall hinder any person from playing at any the games aforesaid, within any of the king's royal palaces, where he shall then reside. Royal palaces excepted.

13. By the 10 & 11 *W. c. 17.* All lotteries are declared to be publick nuisances; and all grants, patents, and licences for such lotteries, to be against law. *f. 1.* Lottery, a nuisance.

14. No person shall expose to be played, drawn, or thrown at, or shall play, draw, or throw at any lottery, either by dice, lots, cards, balls, or any other numbers or figures, or any other way whatsoever: and every person who shall expose to be played, drawn, or thrown at, any such lottery, play, or device, shall forfeit 500*l.* one third to the king, one third to the poor, and one third with double costs to him that shall sue in the courts at *Westminster*; and the offenders shall likewise be prosecuted as common rogues, according to the statutes in that case made and provided. Keeping or playing at a lottery.

10 & 11 *W. c. 17. f. 2.*

And every person who shall play, throw, or draw at any such lottery, play, or device, shall forfeit 20*l.* in like manner. *f. 3.*

And all justices of the peace, mayors, constables, and other civil officers shall use their utmost endeavours to prevent the drawing of any such unlawful lottery, by all lawful ways and means; and every person who shall set up, or by writing or printing publish the setting up any such unlawful lottery, with intent to have such lottery drawn, shall forfeit 100*l.* one third to the king, one

third to the poor, and one third with full costs to him who shall sue in the courts at *Westminster*. 9 *An. c. 6. s. 56*.

Insurances,

15. Every person who shall keep any office or place, for making insurances on marriages, births, christnings, or service, or any other office or place, under the denominations of sales of gloves, fans, cards, numbers, or the queen's picture, for the improvement of small sums of money, shall forfeit 500 *l.* one third to the king, one third to the poor, and one third with full costs to him who shall sue. And every printer, or other person, who shall by writing or printing publish the setting up or keeping any such office or place, shall forfeit 100 *l.* in like manner. 10 *An. c. 26. s. 109.*

Sales of lands or goods; and chances in publick lotteries.

16. Every person who shall keep any office or place, under the denomination of sales of houses, lands, advowsons, presentations to livings, plate, jewels, ships, goods, or other things, for the improvement of small sums of money; or shall sell or expose to sale the same or any of them, by way of lottery, or by lots, tickets, numbers, or figures; or shall make, print, advertise, or publish proposals or schemes for advancing small sums of money by several persons, amounting in the whole to large sums, to be divided among them by the chances of the prizes in some publick lottery; or shall deliver out tickets, to the persons advancing such sums, to intitle them to a share of the money so advanced, according to such proposals or schemes; or shall make, print, or publish, any proposal or scheme of the like nature, under any denomination whatsoever, — and shall be thereof convicted, on oath of one witness, by two justices where the offence shall be committed, or the offender shall be found, he shall, over and above any penalties by any former act made against private lotteries, forfeit 500 *l.* one third to the king, one third to the informer, and one third to the poor, to be levied by distress and sale by warrant of such justices, and shall also by such justices be committed to the county gaol without bail for one whole year, and from thence till the said sum of 500 *l.* shall be paid: Provided that persons aggrieved may appeal to the next quarter sessions. And every person who shall be adventurer in, or any way contribute on the account of any such sales, lotteries, proposals, or schemes, shall forfeit double the sum contributed, with costs, half to the king, and half to him that shall sue in the courts at *Westminster*. 8 *G. c. 2. s. 36, 37.*

And by the 12 *G. 2. c. 28*. If any person shall erect, set up, continue, or keep, any office or place, under the denomination of a sale of houses, lands, advowsons, presentations to livings, plate, jewels, ships, goods, or other things, by way of lottery, or by lots, tickets, numbers or figures, cards or dice; or shall make, print, advertise, or publish proposals or schemes for advancing small sums by several persons, amounting in the whole to large sums, to be divided among them by chances of the prizes in some publick lottery established by act of parliament, or shall deliver out tickets to the persons advancing such sums, to intitle them to a share of the money so advanced, according to such proposals or schemes; or shall expose to sale any houses, lands, advowsons, presentations

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presentations to livings, plate, jewels, ships, or other goods, by any game, method, or device whatsoever, depending upon, or to be determined by any lot or drawing, whether it be out of a box or wheel, or by cards or dice, or by any machine, engine, or device of chance of any kind whatsoever;—he shall, on conviction before any justice of the peace (or mayor) on the oath of one witness, or view of such justice, or confession, forfeit 200*l.* by distress and sale, by warrant of one justice of the county or town where the offence shall be committed; which said forfeiture (after deducting reasonable charges of the prosecution) shall go one third to the informer, and two thirds to the poor of the parish (except in *Bath*, where the said two thirds shall go to the poor of the hospital there.) *f. 1.*

And if the offender shall not have sufficient goods, whereon to levy the penalties, or shall not immediately pay or give security for the same; the justice, before whom he shall be convicted, may commit him to the common gaol, not exceeding six months. *f. 8.*

And if any witness shall neglect or refuse to appear, upon summons, or shall refuse to give evidence, or give false evidence; he shall forfeit 50*l.* by distress, by warrant of the person issuing such summons; and if he have not sufficient goods whereon to levy the 50*l.* he shall be committed to the common gaol for six months. 18 G. 2. c. 34. *f. 4.*

But if any person think himself aggrieved by the judgment of any justice or mayor, he may appeal to the next sessions, giving reasonable notice to the prosecutor, and entering into a recognizance before some justices of the peace where the conviction was made, with two sureties, on condition to try such appeal at such next sessions. And if the conviction shall be affirmed, the party appealing shall pay to the prosecutor treble costs. 12 G. 2. c. 28. *f. 5.*

And no conviction shall be quashed by the sessions for want of form; nor shall be removed by *certiorari*, till after determination in the sessions. *id. f. 6.*

And if any justice, or mayor, shall neglect his duty herein; he shall forfeit 10*l.* with full costs, half to him that shall sue in any court of record or at the assizes, and half to the poor. *id. f. 9.*

Moreover, every such sale of houses, lands, advowsons, presentations, plate, jewels, ships, goods, or other things, by any game, lottery, machine, engine, or other device, depending upon any chance or lot, shall be void; and the same being exposed to sale in manner aforesaid, shall be forfeited to such person as shall sue for the same in any court of record, or at the assizes. *id. f. 4.*

And, finally, every person who shall be an adventurer in any of the said games, lotteries, or sales, shall forfeit 50*l.* in like manner. *id. f. 3.*

17. The games of ace of hearts, faro, basset, and hazard, shall be deemed games or lotteries by cards or dice; and every person who shall set up, or keep these games, shall be liable to all

Ace of hearts,
faro, basset, and
hazard.

the abovementioned penalties, for setting up or keeping any the games or lotteries in this act mentioned. 12 G. 2. c. 28. §. 2.

And every person who shall play, set at, stake, or punt at any of the said games, shall forfeit 50*l.* in like manner. §. 3.

Passage.

18. Also the game of passage, and every other game with one or more die or dice, or with any other instrument, engine, or device in the nature of dice, having one or more figures or numbers thereon (back gammon, and the other games played with the back gammon tables, only excepted) shall be deemed games or lotteries by dice, within the said act of 12 G. 2. c. 28.—13 G. 2. c. 19. §. 9.

Roly poly.

19. Also by the 18 G. 2. c. 34. No person shall keep any house, room, or place for playing, or suffer any person within such place, to play at roly poly, or any other game with cards or dice already prohibited by the laws of this realm; and if any person shall keep such house, or suffer any person to play at roly poly, or other game with cards or dice prohibited by law, he shall be liable to the penalties and prosecution, as by the said act of the 12 G. 2. c. 28.—18 G. 2. c. 34. §. 1.

And if any person shall play at roly poly, or any game with cards or dice prohibited by law; he shall be liable to the penalties and prosecution, as by the said act of the 12 G. 2.—18 G. 2. c. 34. §. 2.

Foreign lotteries.

20. If any person shall, by colour of any grant from any foreign prince or state, set up any lottery, or undertaking in the nature of a lottery, under any denomination whatsoever; or shall make, print, or publish any proposal for any such lottery or undertaking; or shall sell or dispose of any ticket in any foreign lottery; and shall be convicted thereof, on oath of one witness, before two justices where the offence shall be committed, or the offender shall be found, he shall, over and above any penalties by former acts against unlawful lotteries, forfeit 200*l.* one third to the king, one third to the informer, and one third to the poor, to be levied by distress by warrant of such justices; and shall also by them be committed to the common gaol for one year, and from thence till the said sum of 200*l.* be paid: provided, that persons aggrieved may appeal to the next quarter sessions. 9 G. 2. c. 19. §. 4, 5.

And by the 6 G. 2. c. 35. If any person shall sell, procure, or deliver any ticket, receipt, chance, or number in any foreign or pretended foreign lottery, or in any class, part, or division thereof, or in any undertaking in the nature of a lottery; or shall sell, procure, or deliver any ticket, receipt, chance, or number in any duplicate or pretended duplicate of any foreign or pretended foreign lottery; or shall receive any money for any such ticket, receipt, chance, or number, or in consideration of any money to be repaid in case any ticket or number in any foreign or pretended foreign lottery, or any class, part, or division thereof, shall prove fortunate; and shall be convicted thereof in the courts at *Westminster*, or on the oath of one witness before two justices where the offence shall be committed, or the offender shall be found; he shall forfeit 200*l.* one third to the king, one third to the informer, and

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and one third to the poor; The same (in case of conviction before the justices) to be levied by distress by warrant of such justices; and shall also be committed to the common gaol for a year, and from thence till the 200 l. be paid: provided, that persons aggrieved may appeal to the next quarter sessions. *f.* 29, 30.

21. No person, other than the plaintiff and defendant, shall be incapacitated from being a witness, touching any offence against the laws for preventing excessive and deceitful gaming, by reason of having played, betted, or staked at any prohibited game. *How far an offender may be a witness.*
18 G. 2. c. 34. *f.* 5.

Gaol and Gaoler.

For breaking of gaol, see *Prison breaking*.

- I. Building and repairing of gaols.*
- II. Who shall have the keeping of gaols.*
- III. Gaoler shall receive criminals.*
- IV. How they shall be maintained.*
- V. Spirituous liquors not to be sold in gaols.*
- VI. How prisoners may be set on work.*
- VII. How they shall be restrained and kept.*
- VIII. How they shall be delivered.*
- IX. Of gaolers permitting escapes.*
- X. Concerning debtors.*
- XI. Concerning the prisons of the King's bench and Marshalsea,*

I. Building and repairing of gaols.

THE justices, or the greater number of them, within the limits of their commission, upon presentment of the grand jury at the assizes (or sessions, 12 G. 2. c. 29. *f.* 13.) of the insufficiency or inconvenience of the county gaol, may contract with any person for the building, finishing, or repairing the same. 11 & 12 W. c. 19. *f.* 1, 2. The expence thereof to be paid by the treasurer, out of the general county rate. 12 G. 2. c. 29.

But this shall not extend to gaols held by inheritance; nor to charge any persons in any town or liberty which have common gaols for felons, and commissioners of assize or gaol delivery, for any assessment to the making the common gaol for the shire.

11 & 12 W. c. 19. *f.* 5,

II. Who

II. Who shall have the keeping of gaols.

The gaol it self is the king's, but the keeping thereof is incident to the office of the sheriff, and inseparable from it; except such gaols whereof any persons have the keeping by inheritance or succession. 14 *Ed. 3. §. 1. c. 10.* 19 *H. 7. c. 10. 2 Inst. 589.*

And therefore the sheriffs shall put in such keepers for whom they will answer. 14 *Ed. 3. §. 1. c. 10.*

But by the 3 *G. c. 15. §. 10.* None shall buy the office of gaoler, on pain of 500*l.* half to the king, and half to him that shall sue.

And a gaoler in fact, is as much punishable for a misdemeanor in his office, as if he were a rightful gaoler. 2 *Haw. 134.*

III. Gaoler shall receive criminals.

All felons shall be imprisoned in the common gaol, and not elsewhere. 5 *H. 4. c. 10.*

And if the gaoler refuses to receive a felon, or take any thing for receiving him, he shall be punished for the same by the justices of gaol delivery. 4 *Ed. 3. c. 10. Dalt. c. 170.*

But vagrants and other criminals, offenders, and persons charged with small offences, may for such offences, or for want of sureties, be committed either to the common gaol, or house of correction, as the justices in their judgment shall think proper. 6 *G. c. 19.*

IV. How they shall be maintained.

The gaoler cannot refuse the prisoner victuals, for he ought not to suffer him to die for want of sustenance. 1 *Inst. 295.*

Which shall be provided for, by a sum to be paid out of the general county rate, by the high constables, to such sufficient persons dwelling nigh the gaols, as shall be appointed by the justices in open sessions, who shall be there ready to receive it. 14 *El. c. 5.* 12 *G. 2. c. 29.*

V. Spirituous liquors not to be sold in gaols.

By the 24 *G. 2. c. 40.* No licence shall be granted for retailing spirituous liquors within any gaol or prison; and if the gaoler shall sell, lend, use, or give away, or suffer the same (except by way of medicine) he shall forfeit 100*l.* half to the king, and half with full costs to him who shall sue. *§. 17.*

And any justice, on information on oath, that spirituous liquors are kept or disposed of in such gaol, may enter and search, or issue his warrant to search for, and seize, and stave, and destroy the same. *§. 18.*

And if any person shall endeavour to bring any spirituous liquors into such gaol, the gaoler or his servants may apprehend
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and carry him before a justice; and if by the oath of one witness or otherwise such person shall be convicted, he shall be committed to prison or to the house of correction, not exceeding three months, unless he shall immediately pay down such fine, not exceeding 20*l.* and not less than 10*l.* as the justice shall impose, to be paid half to the informer, and half to the poor of such gaol.

f. 19.

And a copy of the three clauses above, shall be hung up in each gaol, on pain of the gaoler forfeiting 40*s.* to be levied by warrant of one justice, on conviction on the oath of one witness: and any justice may enter and demand a sight of such copy, and if not shewn to him, he shall immediately convict such gaoler; one half of the said penalty to be to the informer, and the other (or the whole if there be no informer) to the poor of such gaol.

f. 20.

VI. How prisoners may be set on work.

The justices in their general sessions, if they find it needful, may provide a stock of such materials as they find convenient, for the setting poor prisoners on work, to be paid for by the treasurer out of the general county rate; and may pay and provide fit persons to oversee and set such prisoners on work; and make such orders for accounts concerning the premises, as shall be thought needful, and for punishment of neglects and other abuses, and for bestowing the profits arising by the labour of the prisoners for their relief. Provided that the sum to be so paid do not exceed the rate of 6*d.* a week for any one parish. 19 C. 2. c. 4. *f.* 1. 12 G. 2. c. 29.

VII. How they shall be restrained and kept.

If any person shall be committed to any prison, for any criminal or supposed criminal offence, he shall not be removed from thence, unless it be by *habeas corpus* or some other legal writ; or where he is removed from one prison or place to another, within the same county, in order to his trial or discharge; or in case of sudden fire or infection, or other necessity: on pain that the person signing any warrant for such removal, and the person executing the same, shall forfeit for the first offence 100*l.* and for the second 200*l.* to the party grieved. 31 C. 2. c. 2. *f.* 9.

But on emergent occasions, as in case of infectious diseases, the sheriff or gaoler, with the advice and consent of three or more justices (12.) may, if they shall find it needful, provide other safe places (with the owners consent) for the removal of sick or other persons out of the usual gaols. 19 C. 2. c. 4. *f.* 2.

It seemeth generally in all cases where a man is committed to prison, especially if it be for felony, or upon an execution, or but for a trespass or other offence, every gaoler ought to keep such prisoner in safe and close custody; safe, that he cannot escape: and close, without conference with others or intelligence of things abroad. *Dalt. c.* 170.

And therefore if the gaoler shall licence his prisoner to go abroad for a time, and then to come again, or to go abroad with a keeper, tho' he come again, yet these are escapes. *Dalt. c. 170.*

And hereupon it is lawful for the gaoler to hamper a felon with irons to prevent his escape. *1 H. H. 601. Dalt. c. 170.*

But the learned editor of *Hale's History* observes, that this liberty can only be intended, where the officer has just reason to fear an escape; as where the prisoner is unruly, or makes any attempt to that purpose; but otherwise, notwithstanding the common practice of gaolers, it seems altogether unwarrantable, and contrary to the mildness and humanity of the laws of *England*, by which gaolers are forbidden to put their prisoners to any pain or torment. And Lord *Coke, 2 Inst. 381.* is express, that by the common law it might not be done. *1 H. H. 601.*

And if the gaoler keep the prisoner more straitly than he ought of right, whereof the prisoner dieth, this is felony in the gaoler by the common law: and this is the cause, that if a prisoner die in gaol, the coroner ought to sit upon him. *3 Inst. 91.*

But if a criminal, endeavouring to break the gaol, assault his gaoler, he may be lawfully killed by him in the affray. *1 Hawk. 71. 1 H. H. 496.*

VIII. How they shall be delivered.

By the *3 H. 7. c. 3.* Those that have the custody of gaols, must certify the names of all prisoners, to the justices of gaol delivery, in order to their trial or discharge; on pain of *5 l.*

And if a gaoler detains a prisoner in gaol after his acquittal, unless it be for his fees (not for meat, drink, or lodging) this is an unlawful imprisonment. *2 Inst. 53.*

And the gaoler must not disobey a writ of *habeas corpus*, for want of his fees; but the court will not turn the prisoner over, till the gaoler be paid all his fees. *2 Hawk. 151.*

IX. Of gaolers permitting escapes.

If the gaoler voluntarily suffer a prisoner to escape, he shall be punished in the same manner as the prisoner ought to have been who escaped: and if he negligently permit him to escape, he shall be punished by fine and imprisonment. And the sheriff shall answer for him. *2 Hawk. 134, 5, 6.*

But the principal gaoler is only finable for the voluntary escape of a felon suffered by his deputy; for no one shall suffer capitally for any crime, but he who is actually guilty of it. *2 Hawk. 135.*

But for a negligent escape suffered by his bailiff, the sheriff is as much liable to answer, as if he had actually suffered it himself; and the court may charge either the sheriff or bailiff for it: and if a deputy gaoler be not sufficient to answer a negligent escape, his principal must answer for him. *2 Hawk. 135.*

X. Concerning debtors.

By an act in the 22 & 23 C. 2. c. 20. certain regulations are made, in relation to poor prisoners for debt, which are enforced and enlarged, and (in effect) superseded, by the 2 G. 2. c. 22. and therefore the act of the 22 & 23 C. 2. is only mentioned here, because if this latter act, which is but temporary, shall be permitted to expire, the said regulations will fall back upon the aforesaid statute of C. 2.

Which said act of the 2 G. 2. (which by the 21 G. 2. c. 33. is continued to June 1. 1754, &c.) enacteth as follows:

No sheriff, bailiff, or other officer, shall carry any person being in his custody by any writ, process, or warrant, to any tavern, alehouse, victualling house, or to the private house of such officer, or of any of his relations or tenants, without his consent; nor charge him for any wine, beer, ale, victual, tobacco, or any thing else, but what he shall freely call for; nor shall demand more than by law is allowed for such arrest, or waiting till the prisoner have given appearance or bail, or agreed with the party, or be sent to gaol; nor take any thing for keeping him out of gaol; nor shall carry him to gaol within 24 hours after the arrest; nor shall take more for a day's diet, or night's lodging, or other expences, than what shall be allowed by order of sessions, who are to make standing rules or orders for ascertaining such expences.

f. 1.

(But by the 3 G. 2. c. 27. f. 6. which act hath the same continuance; If any person arrested shall refuse to be carried to some safe and convenient dwelling house of his own naming, so as it be in a market town (if he is there arrested), or within three miles of the place of arrest, not being his own house, nor out of the liberty, he may be carried to gaol within the 24 hours.)

And the sheriff shall deliver a printed copy of the above clause to every bailiff; and when the bailiff shall give security upon his entering into his office; shall make it part of the condition of such security, that he will shew and deliver a copy of the said clause to every person whom he shall arrest and carry to any such house, and permit him to read the same before any liquor or meat shall be called for; on pain of being punished as for a misdemeanor.

f. 2.

And the gaoler shall suffer any prisoner to send for any victuals or other necessaries, and to have such bedding, linen, or other things, as he shall think fit. f. 3.

And the gaoler shall take no fees for commitment, chamber rent, or discharge, but what are now allowed by law, until such fees shall be settled by the justices in sessions. And tables shall be made of the fees when so settled, and shall be signed by three or more justices attending the settling, and shall be reviewed and confirmed or moderated, and then signed by the judges of assize, or one of them, together with three or more justices of the county. And also rules and orders for the better government of prisons, shall be made, and from time to time enlarged, enforced, or altered

altered as occasion shall require, by the judges of assize or one of them, and three or more justices under their hands. And duplicates of such tables of fees and rules, shall be inrolled by the clerk of the peace without fee, and shall be hung up and remain in every gaol.

And after such table of fees settled and confirmed, no gaoler shall demand of any prisoner for debt, any greater fee than is therein allowed. (Regulations in *London, Middlesex, and Surrey*, to be made by the two chief justices, and chief baron, and the justices of the peace.) *f. 4.*

And on the petition of any prisoner complaining of any exaction or extortion, or other abuse, by any gaoler or bailiff, to any of the judges or justices of assize, they may determine the same in a summary way, with full costs. *f. 5.*

And the justices of the peace shall do their best endeavours, to discover charities given for the use of prisoners, and may send for writings, and examine persons on oath, and order the same according to the intent of the donors: And lists of such charities shall be hung up in the gaol, and be registred by the clerk of the peace. *f. 6.*

And if any sheriff, bailiff, gaoler, or other officer, shall offend against this act, he shall (over and above the penalties by former laws) forfeit to the party grieved 50*l.* with treble costs. *f. 14.*

The county gaol is the prison for malefactors; but prisoners for debt, where escape lies against the sheriff for their escaping, may be kept in what place the sheriff pleases. *L. Raym. 136.*

But he shall not put, keep, or lodge prisoners for debt and felons together in one room or chamber; but they shall be put, kept, and lodged separate and apart from one another in distinct rooms; on pain of forfeiting his office, and treble damages to the party grieved. 22 & 23 C. 2. c. 20. *f. 13.*

But it is said, that a gaoler is no way punishable for keeping a debtor in irons. 2 *Harw. 152.* But it seemeth that this must at least be understood with the qualification abovementioned.

XI. Concerning the prisons of the king's bench and marshalsea.

The justices in *Easter* sessions shall set down what sums shall be sent out of every county or place corporate, for the relief of the poor prisoners of the *king's bench* and *marshalsea*, so as there be sent out of every county yearly 20*s.* at the least to each of the said prisons; to be paid by the high constables out of the general county rate, to two such treasurers; or one of them, as by the more part of the justices of the county shall be elected to be treasurers: which treasurers, on the first day of *Trinity* term yearly, shall pay over the same to the lord chief justice of *England*, and knight marshal, or to whom they shall appoint, taking their acquittance for the same, or in default of the chief justice, to the next most ancient justice of the *king's bench*, equally to be divided

Journal of the

First Session of the
General Assembly of the
State of New York
Held at Albany
January 1st 1891
The Hon. J. B. Thompson
Speaker of the Assembly
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divided between the prisoners of the *king's bench* and *marshalsea* prisons. 43 *El. c. 2. f. 12, 13, 14.* 11 *G. 2. c. 20. f. 1. 12 G. 2. c. 29.*

And if the treasurer shall neglect or refuse, the king's bench may make a rule on him, requiring him to pay the same; and obedience to such rule may be enforced as other rules of the said court, at the cost and charges of the treasurer. 11 *G. 2. c. 20. f. 2, 4.*

And that the treasurer may be the better amenable to the said court, he shall within 30 days after his election or appointment, under the like penalty, transmit his name and place of abode to the clerk of the crown in the king's bench, to be entred by him; for which entry no fee shall be paid. *f. 3.*

Gauger. See Excise.

Gin. See Excise.

Glass. See Excise.

Good behaviour. See Surety.

Coss. Burning of it in forests. See Burning.

Grand larceny. See Larceny.

Greyhound. See Game.

Gunpowder.

1. **B**Y an act made in the 16 *C. 1. c. 21.* (to wit, in 1640, Who may make being the last statute of force in that king's reign) All subjects may make and sell gunpowder, and bring into the kingdom salt petre, brimstone, or any other materials for the making of it.

And by a statute made in the first year of the reign of king *James* the 2d, (which is also somewhat remarkable) it is enacted, that if any person shall obtain a grant for the sole making or importing of gunpowder, he shall incur a *præmunire*. 1 *J. 2. c. 8. f. 3.*

2. By the 5 *G. 2. c. 20.* No master of any vessel outward bound, shall receive on board any gunpowder, either as merchandise or store for the voyage (except for his majesty's service) on the *Thames* above *Blackwall*; on pain of 5 *l.* for every 50 *lb.* weight, and so in proportion. *f. 2.*

And the master of every vessel coming into the *Thames*, shall land all the powder on board, either before arrival at *Blackwall*, or within 24 hours (if the weather will permit) after he comes to anchor there, or at the place of unloading; on pain of 5 *l.* for every 100 *lb.* weight. *f. 3.*

And

And if any officer of any ship (except the king's) shall, between *London bridge* and *Blackwall*, keep any gun loaded with ball, or fire any gun on board above *Blackwall*, before sunrising or after sunsetting; he shall forfeit for such gun loaded 5 s. and for such gun fired 10 s. *f. 4.*

And the corporation of *Trinity house* at *Debtford strand*, may appoint a person to inspect vessels; and if any such officer obstruct him, he shall forfeit 5 l. *f. 5.*

And the said penalties shall go to the poor of the corporation. *f. 6.*

And two justices of *London*, or the respective counties where the offence shall be committed, shall on complaint in ten days summon the offender, or after oath made of the offence may issue their warrant for apprehending him, and on appearance or contempt may convict him either by oath of witnesses, or confession, or his own view, and levy the penalty by distress, and if not redeemed in five days, by sale; for want of distress, he shall be imprisoned for three months, or till paid: and persons aggrieved may appeal to the next sessions. *f. 7.*

Keeping gunpowder in London.

3. No person, not being a dealer in gunpowder, shall keep more than 50 lb. or being a dealer, not more than 200 lb. longer than 24 hours, at any time in any house or place, or in any houses or other places, either under the same roof, or by dividing the same, and disposing thereof under different roofs, or in any yard or yards, within *London* and *Westminster*, or the suburbs thereof, or within three miles of the tower, or of *St. James's*; or within two miles of any magazine now erected (that is, in the year 1718,) for keeping gunpowder, belonging to the king for the use of the publick; or on the *Thames*, except in vessels passing or detained by tides or bad weather (except carts and other carriages loading or unloading, or passing on the highway:) on pain of forfeiting the same, and the value thereof, with full costs, to him who shall sue in any court of record at *Westminster* in 30 days. 5 G. c. 26. *f. 1.* 11 G. c. 23. *f. 1.* 15 & 16 G. 2. c. 32. *f. 1.*

And any justice of the peace within the said limits, on demand by any inhabitants shewing a reasonable cause, may issue his warrant to search in the day time, for dangerous quantities of gunpowder, and break open any places if there be occasion, and the searchers may seize, and may remove the same in 12 hours out of the said limits, and detain the same till it be determined in the courts whether it be forfeited or not. 15 & 16 G. 2. c. 32. *f. 2.*

Persons permitting others to keep it.

4. And persons permitting others to keep gunpowder, in any places not belonging to the owners of such gunpowder, shall forfeit 1 s. a pound 15 & 16 G. 2. c. 32. *f. 3.*

Carrying gunpowder in the streets of London.

5. No person shall carry in the streets of *London* or *Westminster*, or the suburbs thereof, more than 20 hundred weight of gunpowder at one time; and all gunpowder carried in the said streets in any carts or carriages, shall be carried in covered carts or carriages, and the barrels close jointed and hooped, and put into cases of leather or canvass; and gunpowder carried by man or horse, shall be put into cases of leather or canvass, and entirely covered there-
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with: and if any shall be carried otherwise, it shall be forfeited, and may be seized by any person to his own use, the offender being thereof convicted before two justices. 5 G. c. 26. s. 4.

6. By the 22 G. 2. c. 38. No person shall keep gunpowder for more than 24 hours at any one time, in greater quantity than 400 lb. weight, in any house or other place, in any city or the suburbs thereof, or in any market town, or within 100 yards thereof, or within two miles of any of the king's palaces, or one mile of any the king's magazines; nor shall keep for more than 24 hours at any time, a greater quantity than 3000 lb. weight in any house or other place. 22 G. 2. c. 38. s. 1.

Keeping gunpowder elsewhere.

And any two justices, on demand made, and a reasonable cause assigned, by any parish officer or two householders inhabiting where it is kept, shall issue their warrant for searching in the day time any house, shop, or other place, and breaking open the doors thereof, if there be occasion; and if upon such search, more than 400 lb. weight, or 3000 lb. weight respectively as above shall be found, all exceeding the said quantities shall be seized, and detained, and forfeited to any person who shall sue in three months in any court at *Westminster*; which court shall give judgment for recovery of the same or the value thereof with full costs. s. 2.

But no penalty shall be incurred on account of a greater quantity than 30 hundred weight kept within any warehouse or magazine already built for that purpose (that is, in 1749,) unless the justices at their quarter sessions shall on complaint by two inhabitants near, adjudge the same to be dangerous, and until six months after such adjudication; and provided the same be not situate in any city or the suburbs thereof, or in any market town, or within 100 yards thereof, or within two miles of any of the king's palaces, or one mile of any of the king's magazines. s. 7.

7. And it seems that erecting powder mills, or keeping powder magazines near a town, is a nuisance, for which an indictment or information will lie. For in the case of *K. and Williams, E. 12 W.* there was an indictment against *Roger Williams*, for keeping 400 barrels of powder near the town of *Bradford*, and he was convicted accordingly. And in *K. and Taylor, T. 15 G. 2.* The court granted an information against the defendant as for a nuisance, on affidavits of his keeping great quantities of gunpowder near *Malden* in *Surrey*, to the endangering the church and houses where he lived. *Str. 1167.* It might as well have been said, to the endangering the lives of his majesty's subjects.

Erecting powder mills, a nuisance.

8. No person shall convey at any one time, in any waggon or other carriage, a greater quantity than 2500 pounds weight; or more than 5000 pounds weight in any open vessel on any river, within one mile of any city or market town: And all such gunpowder shall be carried in covered carts and carriages; and the barrels shall be close joined and hooped, and secured that no part thereof be scattered in the passage; on pain of being seized and forfeited to the informer, on proof of the offence before two justices. 22 G. 2. c. 38. s. 3.

Carrying gunpowder elsewhere than in London.

9. But none of the said acts shall extend to any magazine belonging to the crown; or to hinder the trying of gunpowder by

Exception.

his majesty's officers; or to the carrying of gunpowder to and from the king's magazines; or with forces in their march. 5 G. c. 26. f. 5. 11 G. c. 23. f. 4. 15 & 16 G. 2. c. 32. f. 6. 22 G. 2. c. 38. f. 5.

Sessions to appoint places for warehousfes.

10. The justices in sessions shall, on application to them made, appoint convenient plots of ground, two miles distant from any city or market town, not exceeding two acres, with the use of convenient roads leading thereto, for erecting warehousfes for keeping gunpowder in any quantity, first agreeing with the proprietor; and if they cannot agree, the said justices shall issue their warrant to the sheriff to impanel and return a jury, who shall on oath (to be administred by the said justices) inquire into the value of the ground, with the use of convenient roads leading thereto: And all such verdicts and inquisitions shall be kept with the records of the sessions, and be conclusive to all parties: And the said justices may send for persons interested, and examine the parties and witnesses on oath: And the sum to be assessed as aforesaid, not exceeding 30 years purchase, shall be paid to the proprietor; and on such payment, or in case of refusal to accept it, on leaving it with the said justices for the proprietor, the inheritance of the grounds, and use of the roads leading thereto, shall be vested in the purchasers and their assigns, for the purposes aforesaid, and not otherwise; And the warehousfes to be built thereon, shall be built in such manner, as will most effectually render them safe and secure. 22 G. 2. c. 38. f. 6.

Working with hammers in warehousfes.

11. If any person shall work with any iron hammer, or hammer plated with iron or steel, in any warehouse or place while any gunpowder is there; he shall on conviction within one month, by the oath of one witness, before one justice, forfeit 20 s. to the informer; to be levied by distress by warrant of such justice; for want of sufficient distress, to be committed to the house of correction, to be kept to hard labour not exceeding one month, nor less than 14 days. 11 G. c. 23. f. 3.

Doing any thing to indanger the firing it.

12. Every person employed in any storehouse where gunpowder is kept, or in carrying gunpowder from one place to another, being convicted before one justice, of wilfully committing any act, whereby such gunpowder may be in danger of taking fire, shall forfeit 5 l. to the informer, for every 100 pounds weight of gunpowder contained in such storehouse, or which he shall be employed in conveying; and on non-payment thereof, shall be committed to the publick gaol, without bail, not exceeding six months. 22 G. 2. c. 38. f. 4.

Guns. See Game.

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Habeas corpus. See Bail.

Hackney coaches and chairs.

For the duty on coaches, see title Excise.

1. **T**HE king may appoint persons not exceeding five, to be Commissioners, commissioners for regulating hackney coaches within the bills of mortality. 9 *An. c. 23. f. 1.*

2. Which commissioners shall under hand and seal license hackney coaches within the bills, not exceeding 800; and on every licence shall be reserved 5 s. a week, to be paid monthly. 9 *An. c. 23. f. 2.* Licensing.

And they shall also license hackney chairs within the bills aforesaid, not exceeding 400; reserving a rent of 10 s. a year, to be paid quarterly. 9 *An. c. 23. f. 3.* 10 *An. c. 19. f. 158.* 12 *G. c. 12. f. 15.*

3. Every coach and chair shall have a distinct mark on each side; and if any shall alter such mark, he shall forfeit 5 l. half to the informer, and half to the king. 9 *An. c. 23. f. 4.*

4. No horse to be used with any hackney coach, shall be under 14 hands high. 9 *An. c. 23. f. 4.* Size of the horses.

5. No person shall drive or let to hire any hackney coach without licence; on pain of 5 l. nor shall carry any person for hire in a hackney chair, without licence; on pain of 40 s. in like manner. 9 *An. c. 23. f. 4.* Penalty of driving without licence.

And by the 1 *G. f. 2. c. 57.* No unlicensed person shall ply with any coach or hearse, or shall let to hire any mourning coach, within the bills aforesaid, on pain of 5 l. as for driving unlicensed. *f. 3.*

And if any person shall drive a mourning coach to a funeral, not having a number on it, or except it be a coach attending the master or some of his family; on information given to the commissioners, they may summon the driver, and unless he prove an order from the master to attend at the funeral, the driver or the undertaker shall forfeit 5 l. *f. 4.*

6. And the coachman shall not take above the rate of 10 s. a day, reckoning 12 hours to the day; and by the hour, not above 18 d. for the first hour, and 12 d. for every hour after: And no person shall pay from any of the inns of court or thereabouts to any part of St. James's or the city of Westminster (except beyond Tuttle-street) above 12 d. and the same prices from the same places to the inns of court or thereabouts; and from the inns of court or thereabouts, to the Royal Exchange 12 d. and if to the Tower, or Bishopsgate-street, or Aldgate, or thereabouts 18 d. and so from the said places to the said inns of court as aforesaid: and the like rates from and to any place, at the like distance, within the places beforementioned. 9 *An. c. 23. f. 6.* Rates.

And no person shall be obliged to pay above 12 d. for a coach for any distance (not above specified) not exceeding one mile and

four furlongs; nor above 1*s.* 6*d.* for any distance above a mile and four furlongs, and not exceeding two miles: And no chairman shall take more than the rate for any hackney coach driven two thirds of the same distance; on pain of 40*s.* *f.* 7, 8.

By-laws.

7. And the commissioners may make by-laws, to bind all persons licensed, and the renters of such licences, and the drivers. 9 *An. c.* 23. *f.* 16. 1 *G. st.* 2. *c.* 57. *f.* 1.

The same to be approved by the lord chancellor, commissioners of the great seal, two chief justices, and chief baron, or three of them. 9 *An. c.* 23. *f.* 17.

Driver exacting.

8. And if any hackney coachman shall refuse to go at, or exact more for his hire, than according to the above act, or by-laws; he shall forfeit a sum not exceeding 3*l.* nor under 10*s.* 1 *G. st.* 2. *c.* 57. *f.* 2.

Misbehaving.

9. And if any person who shall drive a coach, or carry a chair for hire, acting under a person licensed, shall be guilty of misbehaviour, by demanding more than his fare, or giving abusive language, or other rude behaviour; he shall, on conviction on oath, forfeit not exceeding 20*s.* to the poor; and if he shall not be able, or refuse to pay, he shall be committed to Bridewell or some other house of correction, to be kept to hard labour seven days, and receive the publick correction of the house before he be discharged. 9 *An. c.* 23. *f.* 49.

And on misbehaviour of a coachman by abusive language, or otherwise, the commissioners may revoke his licence. *f.* 19.

Person refusing to pay.

10. And if any person shall refuse to pay, or shall deface any coach or chair, any justice may grant his warrant to bring him before him; and on proof upon oath may award satisfaction to the party, and on refusal to pay, may bind him over to the next sessions, who may determine the same. 9 *An. c.* 23. *f.* 22.

Power of the justices.

11. The rents and penalties to be levied by distress, by warrant of three commissioners; which distress shall be sold in ten days, returning the overplus, charges of the distress and of the warrant being first deducted (if on seven days notice they pay not the fine without such warrant); and in default of distress, to be imprisoned till paid: and if any rent shall be unpaid for 14 days, the commissioners may withdraw the licence. 9 *An. c.* 23. *f.* 12.

And moreover, the breach of the by-laws, and of these rules and orders, may be punished by any justice of the peace, mayor, or bailiff, where the offence shall be committed, in like manner as by the commissioners. 9 *An. c.* 23. *f.* 17. 1 *G. st.* 2. *c.* 57. *f.* 7.

Note; The clause in the act of the 12 *G. c.* 12. abovementioned, was only to continue for 18 years; but by the 16 *G. c.* 26. it is continued to June 24, 1760, &c.

In which said act of the 16 *G. c.* 2. there seems to be a mistake, which hath unsettled all the other acts abovementioned. For whereas the 9 *An. c.* 23. so far as it relates to this subject, was to continue for 32 years, and afterwards by the 3 *G. c.* 7. *f.* 1. was made perpetual; and the said act of the 10 *An. c.* 19. so far as it relates to this subject, was to continue for 31 years, and afterwards by the said act of the 3 *G. c.* 7. *f.* 1. was also made perpetual; and

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and the said act of the 1 G. 2. c. 57. which explains and amends the 9 An. c. 23. doth consequently attend the fate of the same act of the 9 An. Now this act of the 16 G. 2. recites them all three as temporary only, and continues them along with the said act of the 12 G. to June 24. 1760, &c. By which it may seem, that they will expire at that time, if they shall not be farther continued; or if that mistake shall not in the mean time be rectified.

Hares. See Game.

Harepipes. See Game.

Harvest. See Game.

Hawkers and pedlars.

1. **T**HERE shall be paid by every hawker, pedlar, petty Licence duty.
chapman, or any other trading person going from town to town, or to other mens houses, and travelling either on foot, or with horse, horses, or otherwise (except as herein after excepted), carrying to sell, or exposing to sale any goods, wares, or merchandizes, a duty of 4*l.* a year. And every person so travelling with a horse, ass, mule, or other beast bearing or drawing burden, shall pay 4*l.* a year for each horse or beast, over and above the other 4*l.* 9 & 10 W. c. 27. s. 1.

2. And every such person, on receiving his licence, shall pay to whom the commissioners of the treasury, or three of them, shall appoint for licensers, or their deputy, half the duty, and give security by bond, with one or more sureties, to the king, for payment of the other half at the end of six kalendar months, unless he shall chuse to pay down the other half, in which case he shall be allowed after 2*s.* in the pound for prompt payment. 9 & 10 W. c. 27. s. 2. Payment of the duty.

3. And the commissioners for these duties, or two of them, shall (on the receipt and security given as aforesaid) grant licences to be by them subscribed; for which shall be taken only 1*s.* unless such person travel with a horse or beast, and in that case shall be paid only 2*s.* above the duties. 9 & 10 W. c. 27. s. 4. Granting the licence.

4. And if any such person be found trading as aforesaid, without, or contrary to such licence; or if on demand made by any justice of the peace, mayor, constable, or other peace officer of any town corporate or borough, where he shall so trade, shall not have his licence ready to be produced; he shall forfeit 12*l.* half to the informer, and half to the poor of the parish wherein the offender shall be discovered; and for nonpayment thereof, shall suffer as a common vagrant, and be committed to the house of correction. 9 & 10 W. c. 27. s. 3. 3 & 4 An. c. 4. s. 4. Trading without a licence, or refusing to shew it.

*He shall forfeit 12*l.**] M. 5 G. K. and Beck. Although the statute here mentions nothing of conviction, yet nevertheless there ought to be a formal conviction; and a certiorari will lie for the removal of it. Str. 127.

And if any constable or other officer aforesaid, shall refuse or neglect, upon due notice, or his own view, to be aiding in the execution hereof, being thereunto required, and be thereof convicted on oath of one witness before one justice where the offence shall be committed; he shall forfeit 40*s.* by distress and sale by warrant of such justice, half to the poor, and half to the prosecutor. 9 & 10 *W. c. 27. f. 7.*

And any person may seize and detain any such hawker, pedlar, petty chapman, or other trading person, till he produce his licence if he have any, or if he be found trading without a licence, for such reasonable time as he may give notice to the constable, churchwarden, overseer, or some other parish officer, who shall carry such person so seized before a justice; who shall, either on confession, on proof by witness upon oath, convict the offender, and by his warrant cause the sum of 12*l.* to be forthwith levied by distress and sale of the offender's goods, wares, or merchandizes. 9 & 10 *W. c. 27. f. 8.*

Lending licences. 5. If any person shall lend or let out to hire his licence, he and also the person trading under colour thereof, shall forfeit each 40*l.* half to the king, and half to him that shall sue in any court of record. 3 & 4 *An. c. 4. f. 4.*

Counterfeiting licences. 6. If any person shall forge or counterfeit, or travel with a forged or counterfeited licence; he shall forfeit 50*l.* half to the king, and half to him that shall sue in the courts at *Westminster*, and shall also be liable to be punished for forgery. 9 & 10 *W. c. 27. f. 5.*

Exceptions. 7. But nothing herein shall prohibit any person from selling acts of parliament, forms of prayer, proclamations, gazettes, licensed almanacks, or other printed papers licensed by authority; or any fish, fruits, or victuals; nor to hinder any person who is the real worker or maker of any goods or wares, or his children, apprentices, servants, or agents, from carrying abroad, exposing to sale, or selling any of the said goods and wares of his own making, in any publick fair, market, or elsewhere; nor any tinker, cooper, glazier, plumber, harness mender, or other person usually trading in mending kettles, tubs, household goods, or harness, from going about and carrying with him proper materials for mending the same. 9 & 10 *W. c. 27. f. 9.*

Also persons trading in the woollen and linen manufactures, and selling the same by wholesale, shall not be deemed hawkers, pedlars, or petty chapmen. 3 & 4 *An. c. 4. f. 14.*

Also no maker or wholesale trader in *English* bone lace, shall be deemed a hawker, pedlar, or petty chapman. 4 *G. c. 6.*

Also nothing herein shall extend to hinder any person from selling any goods in any publick fair or market. 9 & 10 *W. c. 27. f. 12.*

And nothing herein shall give any power for the licensing of such persons to sell any goods in cities, boroughs, towns corporate, or market towns, otherwise than they might have done before. 9 & 10 *W. c. 27. f. 15.*

Treble costs. 8. Persons sued for any thing done herein, may plead the general issue, and have treble costs. 9 & 10 *W. c. 27. f. 6.*

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1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

[Faint handwritten notes, possibly "The end of the world"]

6: 10:30

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Hawks and hawking. See Game.

Hay.

THE 2 *W. Sess.* 2. c. 8. and 8 & 9 *W. c.* 17. do contain regulations concerning the felling of hay within the bills of mortality, which are not general enough to be here inserted at large.

Hays. See Game.

Heath. See Game.

Hedge breaking. See Wood.

Hemp.

IT shall not be lawful to any person to water any hemp or flax, in any river, running water, stream, brook, or other common pond, where beasts used to be watered; on pain that every person offending shall forfeit 20 s. half to the king, and half to the party grieved, or any other who shall sue in any court of record, leet, or law day. 33 *H. 8. c.* 17.

Herring fishery.

IF any person shall damnify or destroy, without consent of the society, any of the nets, sails, cordage, stores, or other materials, belonging to the said society; he shall, on conviction on the oath of one witness before one justice, forfeit to the society treble value, by distress; and for want of sufficient distress, to be committed to the house of correction to hard labour for any time not exceeding three months, or till satisfaction be made. Prosecution to be in six kalendar months. 28 *G. 2. c.* 14. s. 9.

Hides and Skins. See Leather.

High constable. See Constable.

High treason. See Treason.

Highways.

NO T E; Bridges repaired by the parish or township, and which consequently come under the cognizance of the surveyor of the highways, are comprehended under this title: County bridges are treated of under title *Bridges*.

For the ordering of streets in cities and market towns, see title *Scavengers*.

Most of the books are remarkably confused under this title; occasioned by a multiplicity of statutes, standing unrepealed, and yet altered perhaps five or six times, or oftner, by succeeding statutes. In order to extricate the subject out of which perplexity, I have endeavoured to make the heads of this title less general, selecting the law relating to each distinct article by it self.

But before I descend to particulars, it is proper to premise a clause in the statute of the 24 G. 2. c. 43. which makes a great alteration in the whole law relating to this title; and is as follows:

Whereas several acts have been made, as well for repairing and amending divers publick roads, as for punishing offences done or committed upon or to the highways, the good intentions whereof have not been answered, for want of due execution of the said laws; for remedy, and as a further encouragement to informers, All penalties and forfeitures imposed by this or any former act, shall be wholly given to, and vested in the informer or person who shall sue for the same, who may sue for and recover the same in the same manner as they are directed to be sued for and recovered by the said statutes respectively; or otherwise by action at law, in any of the courts of record at *Westminster*, in manner following, *viz.* Where any person shall be liable to a pecuniary penalty, the same may be sued for by action of debt, in which it shall be sufficient to declare, that the defendant is indebted to the plaintiff in the sum of ——— being forfeited by an act intitled ——— And where the forfeiture is of any horse, or other goods, by an action of trover, in which the value of such horse or other goods liable to the forfeiture shall be given in damages, without any seizure or demand thereof: And the plaintiff, if he recovers, shall have double costs. Provided, there shall not be more than one recovery for the same offence; and that no action be brought by virtue of this act, in any of the said courts, unless it be brought before the end of six calendar months after the offence committed.

f. 11.

This being premised, I shall reduce the other laws concerning highways, under the following heads:

I What is a highway.

II. Concerning the special sessions for the highways.

III. Appointment of the surveyor.

IV. Surveyor's

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IN FOCUS

THE
JOURNAL OF THE
ROYAL ANTHROPOLOGICAL INSTITUTE
OF GREAT BRITAIN AND IRELAND
VOLUME LXXII PART II
1902

IV. Surveyor's general duty on acceptance of his office.

V. Who shall repair.

VI. The proportion of labourers and carriages.

VII. Providing materials.

VIII. Concerning the six days work.

IX. Of annoyances in general.

X. Ditches adjoining to the highway.

XI. Water in the highway.

XII. Hedges adjoining to the highway.

XIII. Wood growing in the highway.

XIV. Straw, dung, stones, timber, laid in the highway.

XV. Gate erected across the highway.

XVI. Nuisance by an unlawful number of horses or beasts in carriages.

XVII. Nuisance by unlawful breadth and tire of wheels.

XVIII. Nuisance of riding upon carriages, or the drivers otherwise misbehaving.

XIX. Pulling up blocks in the highway.

XX. Concerning guide posts.

XXI. Breadth and widening of highways.

XXII. Lands given to repairing highways.

XXIII. Assessment for the repair of highways.

XXIV. In what case the whole parish shall be contributory.

XXV. Further provision for the same by the common law.

XXVI. Presentment or indictment of the highways in general.

XXVII. Presentment by a justice on his own view.

XXVIII. Power of the leet to punish offences.

XXIX. Fines and the disposal thereof.

XXX. Surveyor's account.

XXXI. Appeal.

XXXII. Certiorari.

XXXIII. Turnpikes.

I. *What is a highway.*

Three kinds of highways.

1. There are three kinds of ways; 1. A foot way. 2. A foot and horse way, which is also a pack or drift way. 3. A foot, horse, and cart way. 1 *Inst.* 56.

Difference between a highway and a private way.

2. It seemeth that any one of the said ways, which is common to all the king's people, whether it leads directly to a market town, or only from town to town, and does not terminate there, but is also a thoroughfare to other towns, may properly be called a highway. And therefore the distinction which is taken in some books, concerning this matter, seems to be very reasonable; that every way from town to town may be called a highway, because it is common to all the king's subjects; and consequently that a nuisance therein is a common nuisance, and punishable by indictment: but that a way to a parish church, or to the common fields of a town, or to a private house, or perhaps to a village which terminates there, and is for the benefit of the particular inhabitants of such parish, house, or village only, may be called a private way, but not a highway, because it belongeth not to all the king's subjects, but only to some particular persons, each of which, as it seems, may have an action on the case for a nuisance therein. 1 *Haw.* 201.

How far outlets are part of the highway.

3. It hath been holden, that if there be an highway in an open field, and the people have used time out of mind, when the ways are bad, to go by outlets on the land adjoining, such outlets are parcel of the way; for the king's subjects ought to have a good passage, and the good passage is the way, and not only the beaten track; from whence it follows, that if such outlets be sown with corn, and the beaten track be foundrous, the king's subjects may justify going upon the corn. 1 *Haw.* 201.

How far a river may be an highway.

4. In books of the best authority, a river common to all men is called an highway. 1 *Haw.* 201.

Highway changed.

5. It seemeth to be agreed, that an ancient highway cannot be changed, without the king's licence first obtained upon a writ of *ad quod damnum*, and an inquisition thereon found, that such a change will not be prejudicial to the publick; and it is said, that if one change a highway without such authority, he may stop the new way whenever he pleases; and it seemeth, that the king's subjects have not such an interest in such new way, as will make good a general justification of their going in it as a common highway, but that in an action of trespass brought by the owner of the land, against those who shall go over it, they ought to shew specially, by way of excuse, how the old way was obstructed, and the new one set out; also it is said, that the inhabitants are not bound to keep watch in such a new way, or to make amends for a robbery therein committed, or to repair it. 1 *Haw.* 201.

But by the 8 & 9 *W. c.* 16. Where any highway shall be inclosed, after a writ of *ad quod damnum* issued, and inquisition thereupon taken, any person aggrieved by such inclosure may complain thereof by appeal to the next quarter sessions, whose determination

SECRET

Page 2 of 2
Date: 10/10/1964

1. The first part of the report deals with the general situation in the country. It is noted that the economy is showing signs of improvement, but there are still many problems to be solved. The government is working hard to address these issues and bring about a more stable and prosperous future for the people.

2. The second part of the report discusses the political situation. It is noted that there is a growing awareness of the need for democratic reforms. The government is committed to these reforms and is working to create a more open and accountable system of governance.

3. The third part of the report deals with the social situation. It is noted that there are many social problems, such as poverty and ill health, which need to be addressed. The government is working to improve social services and provide support to the most vulnerable members of society.

4. The fourth part of the report discusses the military situation. It is noted that the military is well equipped and trained, and is capable of defending the country against any external threats. The government is committed to maintaining a strong and effective military force.

5. The fifth part of the report deals with the foreign relations of the country. It is noted that the country is working to build strong and friendly relations with its neighbors and other countries in the region. The government is committed to a policy of peace and cooperation.

6. The sixth part of the report discusses the cultural situation. It is noted that there is a rich and diverse cultural heritage in the country, which is an important part of its identity. The government is working to preserve and promote this heritage, and to encourage the development of the arts and culture.

7. The seventh part of the report deals with the environment. It is noted that there are many environmental problems, such as deforestation and pollution, which need to be addressed. The government is working to protect the environment and promote sustainable development.

8. The eighth part of the report discusses the future of the country. It is noted that there are many challenges ahead, but the government is confident that it can overcome these challenges and build a bright future for the people. The government is committed to a policy of reform and progress, and is working to create a more just and equitable society.

9. The ninth part of the report deals with the conclusion. It is noted that the report provides a comprehensive overview of the current situation in the country, and highlights the key areas for reform and progress. The government is committed to these reforms and is working to bring about a more stable and prosperous future for the people.

10. The tenth part of the report discusses the appendix. It is noted that the appendix contains a list of references and a list of abbreviations. The government is committed to providing accurate and reliable information, and is working to ensure that the report is as clear and concise as possible.

11. The eleventh part of the report deals with the final remarks. It is noted that the report is a work in progress, and that the government is committed to updating it as the situation in the country evolves. The government is committed to a policy of transparency and accountability, and is working to ensure that the people are kept informed of the latest developments.

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termination shall be final; and if no appeal be made, the inquisition and return, entred and recorded by the clerk of the peace at the quarter sessions, shall be binding to all persons. *f. 6.*

However it is certain, that a highway may be changed by the act of god; and therefore it hath been holden, that if a water which has been an ancient highway, by degrees changes its course, and goes over different ground from that whereon it used to run, yet the highway continues in the new channel, in the same manner as in the old. *1 Harw. 202.*

6. The freehold of the highways is in him that hath the freehold of the soil; but the free passage is for all the king's liege people. *2 Inst. 705.*

To whom the freehold of an highway belongeth.

H. 8 G. 2. Sir John Lade against Shepherd. Upon trial of an action of trespass, a case was made; that the place where the supposed trespass was committed, was formerly the property of the plaintiff, who some years since built a street upon it, which has ever since been used as a highway; that the defendant had lands contiguous, parted only by a ditch, and that he laid a bridge over the ditch, the end whereof rested on the highway. And it was insisted for the defendant, that by plaintiff's making it a street, it was a dedication of it to the publick; and therefore however he might be liable to an indictment for a nuisance, yet the plaintiff could not sue him as for a trespass on his private property. But by the court; It is certainly a dedication to the publick, so far as the publick has occasion for it, which is only for a right of passage: but it never was understood to be a transfer of the absolute property in the soil. So the plaintiff had judgment. *Str. 1004.*

II. Concerning the special sessions for the highways. Special sessions.

1. The justices, in their respective divisions, shall once in four months (on pain of *5 l.*) hold a special sessions for the highways, and shall thereunto summon all the surveyors, and give them a charge, and declare unto them their duty. *3 W. c. 12. f. 9, 11.*

2. And one of the said sessions shall be holden on *Jan. 3.* yearly, or within 15 days after. *3 W. c. 12. f. 3.*

III. Appointment of the surveyors.

Surveyors appointed.

1. On *Dec. 26.* yearly, unless it be *Sunday*, and then on the *27th*, the constable, churchwardens, surveyors of the highways, and inhabitants in every parish, shall assemble, and the major part of them shall make a list of the names of a competent number of the inhabitants in their parish, who have an estate in lands, tenements, or hereditaments in their own or their wives right, of *10 l.* a year, or a personal estate of the value of *100 l.* or are occupiers or tenants of houses, lands, tenements, or hereditaments, of *30 l.* a year, if any such there be, or if there be no such persons in the parish, then the said list to be of the most sufficient inhabitants. *3 W. c. 12. f. 3.*

2. And shall return such list to the special sessions to be held for that purpose within the division, on *Jan. 3.* or within 15 days after;

after; of the time and place of which sessions so to be holden, the said justices shall give notice (A) to the constables, churchwardens, and surveyors, at least ten days before. 3 W. c. 12. f. 3.

3. And if the constables, churchwardens, and surveyors shall not return such list, every of them making default shall forfeit 20 s. by distress, by warrant of two of the said justices, or in default thereof, of any neighbouring justices. 3 W. c. 12. f. 4.

4. And the said justices shall then and there, out of the said lists, according to their discretion, and the largeness of the parish, by warrant under their hands and seals (B), nominate and appoint one, two or more, as they shall think fit and approve of, to be surveyor or surveyors of the highways of every parish or town within the division for the year ensuing. 3 W. c. 12. f. 3.

5. Which nomination and appointment shall by the constables or surveyors be notified to the person so nominated, within six days after such nomination, by serving him with the said warrant, or by leaving the same, or a true copy thereof, at his house or usual place of abode; and from thenceforth he shall be surveyor. 3 W. c. 12. f. 3.

6. If he shall not take upon him, and execute the office, he shall forfeit 5 l. in like manner. 3 W. c. 12. f. 3.

7. And in case of such neglect or refusal, the said justices shall appoint others in like manner, who shall execute the office, on the like penalty. 3 W. c. 12. f. 3.

IV. Surveyor's general duty on acceptance of his office.

Receiving the former surveyor's account.

1. He shall receive what money remained in his predecessor's hands. 3 W. c. 12. f. 9.

Making a survey of the roads.

1. He shall within 14 days after acceptance of his office, and so from time to time every four months, or oftner, if required thereunto by warrant of two justices, view all the roads, common highways, bridges, causeways, pavements, hedges, ditches, and watercourses appertaining to such highways, together with all nuisances, or incroachments thereupon, and give a particular and true account in writing upon oath, of the state and condition of all such highways, and more especially of such faults and defects as want to be repaired, and of the neglects of labourers, to the next special sessions, to the end that the said accounts may be carefully preserved, and that at all future sessions the justices of the division may have full information of, and may be able to examine into the particular state and condition thereof: And if he shall neglect to give such account, he shall forfeit 5 l. by distress, by warrant of two justices of the division, or in default thereof, of any neighbouring justices. 1 G. 2. c. 52. f. 2.

For which oath no fee shall be taken. f. 11.

Penalty for neglect of duty.

3. And there is a general penalty of 40 s. laid on him by the acts of 3 W. c. 12. and 1 G. 2. c. 52. for any neglect of his duty, on either of the said acts, to be levied in like manner.

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1. The first part of the document is a list of names and their corresponding dates. The names are: "John Doe", "Jane Smith", "Bob Johnson", "Alice Brown", "Charlie White", "David Green", "Eve Black", "Frank Gray", "Grace Pink", "Henry Blue", "Ivy Yellow", "Jack Purple", "Karen Red", "Leo Orange", "Mia Silver", "Noah Gold", "Olivia Bronze", "Peter Copper", "Quinn Iron", "Rory Tin", "Sam Lead", "Tina Zinc", "Uma Nickel", "Victor Platinum", "Wendy Silver", "Xavier Gold", "Yara Bronze", "Zoe Copper". The dates are: "1990-01-01", "1990-02-01", "1990-03-01", "1990-04-01", "1990-05-01", "1990-06-01", "1990-07-01", "1990-08-01", "1990-09-01", "1990-10-01", "1990-11-01", "1990-12-01", "1991-01-01", "1991-02-01", "1991-03-01", "1991-04-01", "1991-05-01", "1991-06-01", "1991-07-01", "1991-08-01", "1991-09-01", "1991-10-01", "1991-11-01", "1991-12-01", "1992-01-01", "1992-02-01", "1992-03-01", "1992-04-01", "1992-05-01", "1992-06-01", "1992-07-01", "1992-08-01", "1992-09-01", "1992-10-01", "1992-11-01", "1992-12-01".

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President

1877-1881

James A. Garfield
March 4, 1881 - September 19, 1881
24th President of the United States
Born: July 27, 1831, Ohio
Died: September 19, 1881, New Jersey
Vice President: Chester A. Arthur
Secretary of State: James A. Blaine
Treasurer: Charles D. Smith
Attorney General: Benjamin R. Curtis
Chief Justice: Roger Taney
Supreme Court Justices: Samuel F. Miller, David Davis, John Marshall, Stephen J. Field, William B. Brewer, John P. Gray, Joseph P. Bradley, William M. Waite, George S.utherland

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V. Who shall repair.

It seems to be agreed, that of common right (that is, by the common law) the general charge of repairing all highways lies on the occupiers of the lands in the parish wherein they are: But there is no doubt, but particular persons may be burdened with the general charge of repairing a highway, in two cases: Parish in general to repair.

1. In respect of an inclosure of the land wherein it lies; as where the owner of lands not inclosed, next adjoining to the highway, incloseth his lands on both sides thereof; in which case, he is bound to make a perfect good way, and shall not be excused for making it as good as it was at the time of the inclosure, if it were then any way defective; because, before the inclosure, the people used, when the way was bad, to go for their better passage, over the fields adjoining, out of the common tract, which liberty is taken away by the inclosure. Repairing in respect of an inclosure. 1 *Haw.* 202.

And if the way is not sufficient, any passenger may break down the inclosure, and go over the land, and justify it, till a sufficient way is made. 3 *Salk.* 182.

Also it hath been holden, if one inclose land on one side, which hath been anciently inclosed of the other side, he ought to repair all the way; but if there be not such an ancient inclosure of the other side, he ought to repair but half that way; and it is said, that wherever one is bound to repair a highway, in respect of an inclosure, and lays it open again as it was before, he shall be freed from the charge of repairing it. 1 *Haw.* 202.

2. A particular person may be bound to repair a highway, in respect of a prescription; and it is said, that a corporation aggregate may be compelled to do it, by force of a general prescription, that it ought and hath used to do it, without shewing that it used to do so in respect of the tenure of certain lands, or for any other consideration; because such a corporation in judgment of law never dies, and therefore if it were ever bound to such a duty, it must needs continue to be always so; neither is it any plea, that such corporation hath always done it out of charity, for what it hath always done, it shall be presumed to have been always bound to do: but it is said, that a person cannot be charged with such a duty, by a general prescription from what his ancestors have done, unless it be for some special reason, as the having land descended from such ancestors, which are holden by such like service. 1 *Haw.* 202. Repairing by prescription.

Yet it seems, that an indictment charging a tenant in fee simple, with having used of right to repair such a way by reason of the tenure of his land, is certain enough, without adding, that his ancestors or those whose estate he hath, have always so done; for that is implied. 1 *Haw.* 203.

But the indictment must set forth, where those lands lie. 2 *H. H.* 181.

VI. *The proportion of labourers and carriages:*

Proportion of
labour.

1. Every person, for every ploughland in tillage or pasture that he shall occupy in the parish, shall find and send at every day and place appointed, one wain or cart, furnished after the custom of the country with oxen, horses, or other cattle, and all other necessaries meet to carry things convenient for that purpose, and also two able men with the same. 2 & 3 P. & M. c. 8. f. 2.

Every person] It hath been holden, that persons in holy orders are within the purview of these statutes, in respect of their spiritual possessions, as much as any other persons whatsoever in respect of any other possessions; for the words are general, and there is no kind of intimation that any particular persons shall be exempted more than others. 1 *Harw.* 204.

For every ploughland] Therefore if he occupies and keeps in his possession several ploughlands in several towns, he shall be charged to find in each town or parish where such ploughlands do lie, one cart or carriage, in like manner as if he were a parishioner in the several parishes. 18 *El.* c. 10. f. 4.

Ploughland] By the 7 & 8 *W.* c. 29. A ploughland, as to repairing highways, is limited to 50 *l.* a year.

That he shall occupy] It hath been holden, that notwithstanding the words of the statute extend only to the occupiers of land, yet if the owner neither occupy them, nor let them, but suffer them to lie fresh, he shall be charged as much as if he had occupied them; for there is no reason that the publick should suffer for his negligence. 1 *Harw.* 204.

In the parish] And if he shall occupy a ploughland lying in several parishes, he shall be chargeable within the parish where he dwelleth, in like manner as a person having a ploughland in any one parish. 18 *El.* c. 10. f. 3.

2. Also every person keeping a draught or plough in the parish, shall find and send one wain or cart in like manner, with two able men. 2 & 3 P. & M. c. 8. f. 2.

And it hath been holden, that he who keeps several draughts in a parish, is bound to send a team for each draught, whether he occupy any land in the parish or not. 1 *Harw.* 204.

3. And where there is no use of carts and teams for amending of highways, but the usage is to carry materials on horses backs or any other kind of carriage; the inhabitants shall send such horses or carriages, with able persons to work with the same, under the like penalty as for carts and teams. 22 *C.* 2. c. 12. f. 8.

4. And if the said carriages shall not be thought needful by the surveyor, then the person that should have sent such carriage, shall for every carriage so spared, send two able men. 2 & 3 P. & M. c. 8. f. 2.

5. Moreover, besides those persons who are obliged to send carriages, every other person (except in *London*) that shall be assessed to

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THEORY OF THE EARTH AND ITS HISTORY.

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to the payment of any subsidy, to 5 *l.* in goods, or 40 *s.* in lands, shall find two able men. 18 *El. c. 10. f. 2.*

6. And every other housholder, cottager, and labourer, able to labour, and being no hired servant by the year, shall by himself or one sufficient labourer, work on the said days. 2 & 3 *P. & M. c. 8. f. 2.*

VII. Providing materials.

1. The surveyor may take and carry away of the rubbish or smallest broken stones of any quarry within the parish, without licence, controulment, or impeachment of the owner, so much as he shall judge necessary for repairing the ways. 5 *El. c. 13. f. 3.* Surveyor may take and carry away rubbish.

But he may not cause any rubbish to be digged out of a quarry, but only shall have such as shall be found there ready digged by the owner or his order. *f. 4.*

2. And for default of any quarry, not being within his limits, or in default of rubbish not to be found there, he may gather stones lying upon any grounds within the parish, and meet to be used for such purpose; and thereof take and carry away so much as by his discretion shall be thought necessary to be employed in the amendment of the highways. 5 *El. c. 13. f. 3.* May gather stones.

3. Likewise in default of such quarry, or in default of such rubbish in any such quarry, he may in the several ground of any person within his limits, and nigh adjoining to the highway, and wherein gravel, sand, or cinders are likely to be found, dig or cause to be digged for them. 5 *El. c. 13. f. 3.* May dig for gravel.

But he may not dig for the same, in any man's house, garden, orchard, or meadow. *id. f. 4.*

Nor shall he cause any more pits to be digged for gravel, in any several and inclosed ground than one only, nor shall the pit be in length or breadth above ten yards over; and he shall within a month cause the pit to be filled with earth at the costs of the parishioners; on pain of forfeiting to the owner of the soil, five marks, to be recovered by action of debt. *id. f. 4.*

And by the 26 *G. 2. c. 28.* If any person shall by reason of getting any gravel, sand, stones, chalk, or other materials, for repairing any highway, or for any other purpose whatsoever, make or cause to be made any pit or hole in any common, heath, or waste ground, he shall forthwith cause the same to be sufficiently fenced off during such time as it shall be continued open, and shall within 14 days after digging for such materials in such pit or hole, cause the same to be filled up, sloped down or fenced off, and so continued; and if he shall not fill up, slope down or fence off the same, and keep the said fence from time to time in good repair, one justice on view, or oath of one witness, may order him to fill up, properly slope down, or fence off the same, and where any fence shall be set up may order the same to be repaired; and if he shall not comply with such order in ten days after his receipt thereof, or the same being left at his usual place of abode, and due proof being made upon oath before any one justice, of the offence committed, of the service of such order, and

and of the refusal or neglect to comply therewith, such person shall forfeit not exceeding 10*l.* nor less than 40*s.* to be laid out in filling up, sloping down, or fencing off the same, and towards the repair of the roads in the parish or place where the offence shall be committed, and in such manner as the justice shall direct; which, if not forthwith paid, shall be levied by distress, by warrant of such justice.

May purchase materials.

4. And whereas divers parishes and townships have not any gravel, stones, quarries, nor other materials, fit for repairing highways, and the surveyor is forced to lay out his own money for buying the same, it is enacted, that upon notice given by the surveyor to the special sessions, and oath made of what sum he hath laid out, the justices there, or two of them, shall by warrant under their hands and seals cause an equal rate to be made for reimbursing the surveyor, according to the method of the poor rate prescribed by the 43 *El. c. 2.* which rate being confirmed and allowed by the said justices in their special sessions, shall be collected by the surveyor; and if any person refuse to pay, it shall be levied by the surveyor by distress. 3 *W. c. 12. f. 13.*

And if the justices refuse to make a rate, they are compellable by *mandamus* from the king's bench, on affidavit of the money having been laid out; and the *mandamus* shall be directed to the justices of the county, and served on those of the private sessions. 1 *Haw. 206.*

Six days labour.

VIII. Concerning the six days work.

1. The surveyor shall appoint six days, for the providing stones, gravel, and other materials as aforesaid, and for working in the highways, having respect to the season of the year, and the weather, and giving notice publickly some convenient time before the several days. 22 *C. 2. c. 12. f. 12.*

2. And the justices at the special sessions, by writing under their hands and seals may order the reparation of those great roads which do most want repair, to be first amended, and at what time, or in what manner, the same shall be performed; according to which order the surveyor shall proceed; and if they make no such order, then according as to the surveyor shall seem most needful: And he shall take care, as far as possible, that the work be perfected before the time of harvest. 1 *G. 2. c. 52. f. 3. 4.*

3. At the said several days so appointed, all persons liable shall attend and work. 22 *C. 2. c. 12. f. 12.*

4. And every person and carriage shall have with them such shovels, spades, picks, mattocks, and other tools and instruments, as they make their own ditches and fences with, and such as are necessary for the work. 2 & 3 *P. & M. c. 8. f. 2.*

5. And they shall work eight hours each day, unless they be otherwise licensed by the surveyor. 2 & 3 *P. & M. c. 8. f. 2.*

6. And if any person shall fail to make his respective days labour, or neglect to send his horses and carriages, the surveyor shall give an account thereof in writing on oath to the special sessions, and

Highway

4-22

Highway 4-22 is a two-lane road that runs north-south through the center of the county. It is a paved road and is the main thoroughfare for the area. The road is flanked by fields and some small businesses. There are no major landmarks or features along this road.

The road is in good condition and is well-maintained. There are no major hazards or obstacles along the route. The road is a key link in the local transportation network and is used by a large number of vehicles each day. The road is a vital part of the local economy and is essential for the movement of goods and people.

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and two justices there may levy by distress and sale of the goods of such defaulter (not having a reasonable excuse to be allowed by the said justices) for every day labourer 1 s. 6 d. for a man and horse 3 s. for a cart with two men 10 s. each day. 22 C. 2. c. 12. f. 9. 1 G. 2. c. 52. f. 2. Or the leet may inquire thereof, by fine and estreat. 2 & 3 P. & M. c. 8. f. 2.

IX. Of annoyances in general.

Annoyances and removal thereof.

1. There is no doubt, but that all injuries whatsoever to any highway, as by digging a ditch, or making a hedge overthwart it, or laying logs of timber in it, or by doing any other act, which will render it less commodious to the king's people, are publick nuisances at common law. 1 Haw. 212.

2. And by the common law any one may abate a nuisance to a highway, and remove the materials, but not convert them to his own use. 1 Haw. 214.

3. Also it seemeth, that an heir may be indicted for continuing an incroachment, or other nuisance to a highway, begun by his ancestor; because such a continuance thereof amounts in the judgment of law to a new nuisance. 1 Haw. 214.

4. And by the statute of the 3 W. c. 12. f. 8. If such annoyances shall not be removed and amended within 30 days after notice given in the church immediately after sermon, by the surveyor, he shall within 30 days remove and amend the same, and dispose thereof for the repair of the highways. And he shall be reimbursed what charges he shall be at in so doing, by the parties who should have done the same; and if they shall upon demand refuse or neglect to pay the same, the surveyor shall apply to a justice of the division, and in default thereof to a neighbouring justice of the county, and upon his making oath before such justice of the notice to the defaulter in manner aforesaid, he shall be repaid all such his charges as shall be allowed to be reasonable by the said justice, to be levied by distress.

5. And by the 1 G. 2. c. 52. If they shall not be removed in 30 days, after due notice thereof given by the surveyor; the offender shall forfeit any sum not exceeding 5 l. nor under 20 s. to be levied by warrant of the justices at the special sessions, by distress. f. 8.

X. Ditches adjoining to the highway.

Ditches.

1. To suffer the ditches adjoining to a highway to be foul, by reason whereof it is impaired, is a nuisance at common law. 1 Haw. 212.

2. And it is said, that he who hath lands next adjoining to a highway, is bound of common right to scour his ditches: But it is said, that he who hath lands next adjoining to such lands, is not bound by the common law so to do, without some special prescription for that purpose. 1 Haw. 213.

3. And by the statute of the 5 *El. c. 13. f. 7.* The ditches next adjoining to the highway shall be scoured by the owner of the soil which shall be inclosed with the same.

4. And by the 1 *G. 2. c. 52.* If any person who ought to scour and keep open ditches, adjoining to the highways, shall not amend the same in 30 days after due notice from the surveyor, or shall leave the earth of ditches scoured in the highways for the space of eight days, he shall (on oath being made thereof at the special sessions by the surveyor) forfeit for every eight yards of ditching not scoured and kept open 2 *s. 6 d.* by warrant of the justices at the said special sessions, by distress. And the surveyor shall scour and open the said ditches. *f. 8.*

Water.

XI. Water in the highway.

1. The surveyor may turn any watercourse or spring of water, being in the highway, into any ditch of the several ground of any person next adjoining to the highway, as by his discretion shall be thought meetest and most convenient. 5 *El. c. 13. f. 6.*

2. And every person that shall occupy any lands adjoining to the said ground so adjoining to any highway, where any ditching or scouring ought to be, shall, as need shall require, ditch and scour in his ground so adjoining, whereby the water conveyed from the highway over the ground next adjoining, may have passage over the said ground so next adjoining. 18 *El. c. 10. f. 6.*

3. And if any person who ought to scour and keep open usual watercourses, adjoining or near to the highways, and effectually to amend them, shall by the space of thirty days after due notice thereof given by the surveyor, neglect or delay to do the same, he shall (on oath thereof being made by the surveyor, before the justices at the special sessions) forfeit for every eight yards so not scoured and kept open, 2 *s. 6 d.* to be levied by warrant of the said justices, by distress. And the surveyor shall scour and keep open such ditches and watercourses; and where the ditches and drains already made are not sufficient to carry off the water, the surveyor may make new ones in and through the lands next adjoining or near to the highways, and keep them scoured, cleansed, and open, and may come upon the lands with their workmen for that purpose. 1 *G. 2. c. 52. f. 8.* 3 *W. c. 12. f. 12.*

Hedges.

XII. Hedges adjoining to the highway.

1. It seemeth clear, that it is a nuisance at common law, to suffer the boughs of trees growing near the highway, to hang over the road in such a manner, as thereby to incommode the passage. 1 *Haw. 212.*

2. And perhaps it is the better opinion, that he who hath trees next adjoining to the highway, and hanging over it to the annoyance of the people, is bound by the common law to lop the same; and it seems clear, that any person may justify the lopping such trees, so far as to avoid the nuisance. 1 *Haw. 213.*

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

3. And by the statute of the 7 G. 2. c. 9. it is provided, that if the surveyor on his view shall find any highway deep and foundrous, and the hedge adjoining to be so high as to prevent the benefit of the sun and wind, he shall make a presentment thereof to the justices at their special sessions; which justices, or two of them, may by warrant summon the occupier of the lands adjoining to the highway, to appear at the next monthly or other publick meeting of the justices, in or near the division, to shew cause why such hedge should not be new made, or cut low; and if such person appear not, nor send some person to appear, or if it shall appear upon proof on oath that such way is deep and foundrous, and damaged by the height of such hedge, the said justices, or two of them, shall issue a precept under hand and seal to the surveyor, to give or leave notice in writing at the usual place of abode of such person whose hedge was presented, that he is thereby required to new make or cut low the said hedge, within 30 days after such notice (provided that such notice be given between September 30. and February 1.) and in case of his refusal or neglect to do the same within the said 30 days, the surveyor shall cause the hedge to be new made or cut low, as he shall think most reasonable, so as such hedge be left at least three foot high above the bank. *f. 1.*

And such person shall repay to the surveyor such reasonable expences as he shall have been put to on that occasion; and if he shall refuse or neglect to repay the same, within 14 days after demand, the justices upon complaint thereof at their monthly or other publick meeting, in or near the division, and due proof upon oath of such expences of the surveyor, shall issue a precept under the hands and seals of them, or two of them, to the constable or other proper officer of the hundred, parish, or place, requiring him to levy the said sum by distress. *id. f. 2.*

But nothing herein shall alter the laws in relation to timber trees, which grow in hedges adjoining to the highways. *id. f. 3.*

XIII. Wood growing in the highway.

Wood.

No tree, bush, or shrub, shall be permitted to grow in any highway not full 20 foot broad, but shall be cut down, grubbed up, and carried away by the owner of the land or soil, in ten days after notice given to him by the surveyor; on pain of 5 s. by distress, by warrant of two justices of the division, or in default thereof, of any neighbouring justices of the county. 3 W. c. 12. *f. 6.*

XIV. Straw, dung, stones, timber, laid in the highway.

Straw, dung,
stones, timber.

1. There is no doubt, but that all obstructions by laying straw, dung, stones, logs of timber, and the like, in the highway, are nuisances at common law. 1 Hawk. 212.

N n 2

2. And

2. And it seemeth to be clear, that it is no excuse for one who layeth such logs in the highway, that he laid them only here and there, so that the people might have a passage by windings and turnings thro' the logs: yet it is said to be no nuisance for the inhabitants of a town to unlade billets, and the like, in the street before their houses, by reason of the necessity of the case, unless they suffer them to continue there an unreasonable time after they are unloaded. 1 *Harv.* 212.

3. And by the statute of 3 *W. c.* 12. No person shall lay in any highway not being 20 foot broad, any stone, timber, straw, dung, or other matter, whereby the same shall be any ways obstructed or annoyed; on pain of 5*s.* by distress, by warrant of two justices of the division, or in default thereof, of any neighbouring justices of the county. *f.* 4.

And if any timber, stone, hay, straw, stubble, or other matter for the making of dung, or on any other pretence, shall be laid in any such highway, whereby the same shall be any ways obstructed or annoyed; the owner or possessor of the lands next adjoining, shall clear the way by removing the same, and shall take the same to his own use: and if he shall neglect so to do, for ten days after notice given to him by the surveyor, he shall forfeit 5*s.* in like manner. *f.* 5.

4. And by the 1 *G. 2. c.* 52. If any person who ought to remove such annoyances, shall for 30 days after due notice thereof given by the surveyor, neglect or delay to do the same; he shall forfeit not exceeding 5*l.* nor under 20*s.* by warrant of the justices at the special sessions, by distress: and the surveyor shall remove the same. *f.* 8.

Gate.

XV. Gate erected across the highway.

A Gate erected in a highway, is a common nuisance, because it interrupts the people in that free and open passage which they before enjoyed, and were lawfully intitled to; but where such a gate has continued time out of mind, it shall be intended that it was set up at first by consent, on a composition with the owner of the land on the laying out the road, in which case the people had never any right to a freer passage than what they still enjoy. 1 *Harv.* 199.

XVI. Nuisance by an unlawful number of horses or beasts in carriages.

This is to be understood with respect to highways in general; what concerneth the number of horses or beasts in carriages upon *turnpike* roads in particular, is treated of hereafter in its place.

Penalty of having above five horses in length.

1. No travelling waggon, wain, cart, or carriage, wherein any goods shall be carried (other than such as are employed in or about husbandry and manuring of lands, and in the carrying of hay,

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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1. The first part of the document is a list of names and addresses, which are arranged in a table. The names are listed in the first column, and the addresses are listed in the second column. The names are: John Doe, Jane Doe, and John Doe. The addresses are: 123 Main St, 456 Main St, and 789 Main St.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

1. The first step is to identify the problem or question that needs to be addressed. This involves understanding the context and the specific requirements of the task.

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it is the first official communication from the President to the Congress since the inauguration of Abraham Lincoln. The letter is written in a formal, dignified style, and it contains a number of important points. The President begins by expressing his gratitude to the Congress for the honor of his election, and then he proceeds to discuss the state of the Union. He mentions the recent election of a Republican President, and he expresses his confidence that the new administration will be able to carry out its duties in a manner that will be satisfactory to all. He also mentions the recent discovery of gold in California, and he expresses his confidence that this discovery will lead to the development of the West. The letter ends with a statement of the President's faith in the future of the United States, and a request that the Congress will support the administration in its efforts to carry out its duties.

1. The first step is to identify the problem or issue that needs to be addressed. This involves gathering information and understanding the context of the problem.

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a formal address, and it begins with the words "I have the honor to acknowledge the receipt of your letter of the 28th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration."

1. The first part of the document is a list of names and their corresponding addresses. The names are listed in the left column, and the addresses are listed in the right column. The names are: John Doe, Jane Smith, and Bob Johnson. The addresses are: 123 Main St, 456 Elm St, and 789 Oak St.

1. The first group of people who are interested in the results of the study are the researchers themselves. They want to know if the study was successful in achieving its objectives and if the results are consistent with their expectations. They also want to know if the study was conducted in a rigorous and unbiased manner.

1911 1912 1913

hay, straw, corn unthrashed, coal, chalk, timber for shipping, materials for building, stones of all sorts, ammunition or artillery for his majesty's service) shall travel in any highway, with above five horses at length; on pain of 40*s.* on conviction before one justice, on his view, or oath of one witness, by distress. 22 C. 2. c. 12. *f.* 7.

And every constable, or surveyor, wilfully suffering any waggon or carts to pass thro' his limits, in other manner than by this act is allowed, shall forfeit in like manner 40*s.* *id.* *f.* 1.

2. No travelling waggon, wain, cart, or carriage, wherein any goods shall be carried (other than such as are employed about husbandry and manuring of lands, and in the carrying of hay, straw, corn unthrashed, chalk, timber for shipping, materials for building, stones of all sorts, ammunition or artillery for his majesty's service) shall go with above five horses, oxen, or beasts in length; on the like pains, and subject to the like provisos, as by the 6 *An.* c. 29. and 9 *An.* c. 18. hereafter following. 1 G. c. 11.

Penalty of having above five horses or oxen in length,

3. No waggon (whether travelling for hire or not, 14 G. 2. c. 42. *f.* 6.) shall go or be drawn with more than six horses, either in length, or in pairs, or sideways; on pain that the owner or driver shall forfeit all his horses above six, with all geers, bridles, halters, and accoutrements, to him who shall seize or distrain the same. And the person who shall make such seizure or distress, shall deliver the same to the constable, or some parish officer, of the same or next adjacent parish where the seizure is made, till the person seizing shall make proof upon oath before some justice, of the offence committed; and the said justice shall issue his precept to such officer, immediately to deliver the same for the sole use of the person seizing, paying such reasonable charge for keeping and securing the same, as the justice shall direct. And if any person shall attempt to obstruct the execution hereof, he shall on conviction by the oath of one witness before one justice, be committed to gaol for three months, and shall also forfeit 10*l.* by warrant of such justice by distress, and if not paid in three days, the distress to be sold. 5 G. c. 12.

Penalty of having above six horses in length, pairs, or sideways,

But the statute of the 27 G. 2. c. 20. allows a further time for keeping all such distresses, *viz.* not less than four days, nor more than eight.

Or, before the goods are seized, oath may be made at any time within three days, before any justice where the offence was committed, or the offender shall happen to be; and the goods shall remain for three days after the offence liable to seizure and distress, for the use of the informer in like manner as if they had been seized in the fact. 14 G. 2. c. 42. *f.* 6.

Or (as hath been said at the beginning of this title) an action of trover may be brought for the same, wherein if the plaintiff recovers, he shall have double costs. 24 G. 2. c. 43. *f.* 11.

H. 16 G. 2. K. and Thomas Sergison, esquire. An information was moved for against him, for not condemning a horse taken out of a team under the statute of the 5 G. c. 12. which requires proof to be made before a justice, of the cause of forfeiture; and

the party who seized tendering his own oath, the defendant scrupled to take it, or to determine the affair in the absence of the owner or driver. And by the court, They were both reasonable objections. Why is not the person who seized, and is to have the benefit of the forfeiture, within the reason of excluding informers where there is a penalty? *Making proof* must mean *legal proof*. The other also is but natural justice: There are exceptions in the act, as to one stone, or one piece of timber, though drawn by ever so many horses; and ought not the owner to have an opportunity of shewing it? And the rule was discharged with costs. *Str.* 1181.

Or above four
horses in carts.

And moreover, no cart (whether travelling for hire, or not for hire, 14 G. 2. c. 42. s. 6.) shall be driven with more than (four horses, 16 G. 2. c. 29.) ; on pain that the owner or driver shall in like manner forfeit all the horses above four, with the geers, bridles, halters, and accoutrements. 5 G. c. 12. s. 1.

But nothing in this section shall extend to such waggons, wains, carts, or carriages, as shall be employed about husbandry or manuring of land, and in the carrying of cheese, butter, hay, straw, corn unthreshed, coals, chalk, or any one tree or piece of timber, or any one stone, or block of marble, caravans, and the covered carriages of noblemen and gentlemen for their own private use, or such timber, ammunition, or artillery as shall be for the service of the king, his heirs, and successors. 5 G. c. 12. s. 5.

Penalty of ha-
ving above six
horses or oxen,
in length, pairs,
or sideways.

4. By 6 An. c. 29. and 9 An. c. 18. No travelling waggon, wain, cart, or carriage, wherein any goods shall be carried (other than such as are employed in and about husbandry and manuring of land, and in the carrying of hay, straw, (corn unthreshed, 1 G. c. 11.) chalk, timber for shipping, materials for building, stones of all sorts, or ammunition or artillery for the service of his majesty, his heirs, or successors) shall travel or go in any highway, with above six horses, oxen, or beasts; on pain of 5 l. And any person may seize or distrain any or all the horses, oxen, or beasts of any person offending herein, and forthwith deliver them to the surveyor or other parish officer, and if the penalty is not paid in three days, such officer shall by warrant of one justice sell the same; rendering the overplus, charges first deducted.

And if any person employed by any carrier, drive or assist in driving such unlawful number, he shall forfeit 5 l. in like manner.

And the surveyor wilfully suffering them to travel with more, shall also in like manner forfeit 5 l.

Exception of
drawing up
steep hills,

5. But nothing in any of the aforesaid acts shall extend to restrain the owners of waggons or other carriages, or their servants, drawing with so many horses or beasts, up any such steep hills, as the justices at the quarter sessions shall from time to time order and direct; which order shall be kept by the clerk of the peace amongst the records of the sessions, to which all persons at reasonable times, shall have recourse *gratis*. 24 G. 2. c. 43. s. 10.

Exception where
the wheels are
nine inches
broad,

6. Also, it shall be lawful for any waggon or other four wheel carriage, having the fellics of the wheels nine inches broad, to pass

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1. The first part of the paper is devoted to the study of the asymptotic behavior of the solutions of the system (1) as $t \rightarrow \infty$. It is shown that the solutions of the system (1) tend to zero as $t \rightarrow \infty$ if and only if the matrix A is stable.

1. The first part of the document is a list of names and their corresponding dates. The names are: John Doe, Jane Smith, and Bob Johnson. The dates are: 1998, 1999, and 2000.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it contains the President's message to the Congress at the beginning of his first term. The letter is written in a formal, dignified style, and it is one of the most important documents in the history of the United States.

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1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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pass on any highway, with any number of horses and beasts not exceeding eight; and for any cart or two wheel carriage, having the like wheels, with any number not exceeding five; without being subject to any penalties for causing them to be driven by a greater number. 26 G. 2. c. 30. s. 6.

XVII. Nuisance by unlawful breadth and tire of wheels.

1. No travelling waggon for hire (other than such as are employed in husbandry, and in carrying of cheese, butter, hay, straw, corn unthreshed, coals, chalk, or any one tree or piece of timber, or any one stone, or block of marble, carravans, and the covered carriages of noblemen and gentlemen for their own private use, or timber, ammunition, or artillery for the king's service) having the wheels bound with streaks or tire of a less breadth than two inches and an half when worn, or being fastened on with roseheaded nails, shall go or be drawn with more than three horses, between Sep. 29. and April 15. yearly; on pain that every owner or driver thereof, shall forfeit all the horses above three, with all geers, bridles, halters, and accoutrements; to be seized, distrained, or otherwise recovered, as the number of horses above six in a waggon either in length, pairs, or sideways, as is particularly specified under the third section of the last preceding head. 5 G. c. 12. 14 G. 2. c. 42. s. 2, 6. 15 G. 2. c. 2. 24 G. 2. c. 43. s. 11.

[What belongeth to the breadth of wheels upon turnpike roads in special, is treated of under the article relating to turnpikes hereafter following.]

2. No person in London and Westminster, or within 10 miles thereof (unless it be with broad wheels upon turnpike roads, 26 G. 2. c. 30. s. 5.) shall carry at any one load, in waggons or carts having their wheels shod with iron, more than 12 sacks of meal of five bushels each, nor more than 12 quarters of malt, nor more than 700 $\frac{1}{2}$ of bricks, nor more than one chalders of coals; on pain of forfeiting any one of the horses, with the geers, bridles, and halters therewith used, on conviction in three days before one justice. 6 G. c. 6. 5 G. c. 12. 14 G. 2. c. 42. s. 6.

And by the 18 G. 2. c. 33. The wheels of every cart, car, or dray within the bills of mortality, shall be six inches broad in the felley, and not wrought about with iron, nor be drawn with above the number of three horses, after they are up the hills from the water-side; on pain of 40s. by warrant of one justice, by distress; and for want of distress, or non-payment in six days after demand, to be committed till paid: But this not to extend to any country cart or waggon, that shall bring any goods, or shall carry any goods half a mile beyond the paved streets of the said cities and places.

Also any person, within the said limits, using any cart, car, or dray, having the wheels full six inches broad, when worn, may have the same bound round with tire of iron, provided it be six

inches broad, and made flat, and not set on with rose headed nails.

XVIII. Nuisance by riding upon carriages, or the drivers otherwise misbehaving.

1. By the 1 G. 2. c. 57. If any person, driving any cart, dray, or waggon, in the streets of *London*, shall ride upon the same, not having some other person on foot to guide the same; he shall on conviction before the alderman of the ward, or justice of the peace, on oath of one witness, forfeit 10 s. by distress and sale; half to the informer, and half to the poor; and in default of payment, to be sent to the house of correction for three days. *f. 8.*

2. And by the 24 G. 2. c. 43. If any carter, drayman, carman, waggoner, or other driver shall ride upon the same in *London* or within ten miles thereof, not having some other person on foot to guide the same, he shall on the like conviction, forfeit 10 s. in case such driver shall not be the owner of such carriage; and in case he be the owner, then any sum not exceeding 20 s. To be recovered, levied, and applied, as by the aforesaid act of the 1 G. 2. c. 57. And any person, though not a peace officer, may stop and apprehend such offender, and carry him as soon as conveniently may be before a justice; and if any person shall resist, abuse, or prevent any person endeavouring to apprehend such offender, or when he is apprehended, shall rescue, or endeavour to rescue him, he shall forfeit 20 s. in like manner. *f. 8, 9.*

3. And, more generally, by the 27 G. 2. c. 16. If the driver of any cart, car, dray, or waggon, shall ride upon any such carriage, not having some other person on foot or on horseback to guide the same (such carts as are respectively drawn by one horse only, or by two horses abreast, and are conducted by some person holding the reins of such horse or horses, excepted); or if the driver of any carriage whatsoever, on any part of any street or highway, shall by negligence or wilful misbehaviour, cause any hurt or damage to any person passing or being thereon; Every such driver offending in any of the cases aforesaid, and being convicted thereof, by confession, or oath of one witness, before one justice, shall forfeit any sum not exceeding 10 s. or shall be committed to the house of correction, for any time not exceeding one month, at the discretion of such justice. And every such driver, offending in either of the said cases, may by authority of this act, and without any other warrant, be apprehended by any person who shall see the offence committed, and shall be immediately conveyed or delivered to a constable, or other peace officer, in order to be conveyed before a justice, to be dealt with according to law. *f. 7.*

Note; It is not said who shall have this penalty, so that it seemeth that the justice shall estreat the same into the exchequer: And here is no power given to levy the same by distress; but if the party

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10. The Commission has also received information from the Government of the Republic of the Congo that the Government has taken steps to ensure that the Commission's findings are taken into account in the process of reforming the judicial system.

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

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be made of some other material.

party shall not pay upon conviction, the justice (by the act) may commit him to the house of correction.

XIX. Pulling up blocks in the highway.

Blocks.

Every person who shall pull up, cut down, or remove any post, block, great stone, bank of earth, or other security, made for securing horse and foot caufways from waggons, wains, and carts; shall (on conviction before one justice of the place or division, on view, or oath of one witness) forfeit 20 s. dy distress. 7 & 8 W. c. 29. s. 6.

XX. Concerning guide posts.

Guide posts.

The justices, at the special sessions, may direct their precept to the surveyors, in any place where two or more cros highways meet, requiring them forthwith to cause to be erected or fixed, in the most convenient place where such ways join, a stone or post, with an inscription thereon in large letters, containing the name of the next market town, to which each of the said joining highways leads; who shall be reimbursed in the same manner as before is mentioned concerning the providing of materials. And if the surveyor shall, by the space of three months after such precept to him delivered, neglect or refuse to cause such stone or post to be fixed; he shall forfeit 10 s. to be levied by warrant of one justice by the constable, by distress, who shall employ it towards such stone or post; and if any thing remains, he shall employ it in repairing such cros ways. 8 & 9 W. c. 16. s. 7.

XXI. Breadth and widening of the highways.

Breadth.

1. The surveyor shall make every cart way leading to any market town, eight foot wide at the least. 3 W. c. 12. s. 15.

2. And no horse caufway shall be less than three foot broad. 3 W. c. 12. s. 21.

3. By the 8 & 9 W. c. 16. The justices, or the major part of them, being five at the least, at the quarter sessions, shall have power to enlarge or widen any highways, so that the ground to be taken into them do not exceed eight yards in breadth, and so that the said power do not extend to pull down any house, or to take away the ground of any garden, orchard, court, or yard. s. 1.

In order whereunto, they shall issue their precepts to the owners of grounds, or others interested in the same, that are to be laid into the said highways, to appear at the next quarter sessions, to shew cause why the said highways should not be enlarged. s. 3.

And for the satisfaction of persons who are interested in the said ground, they are empowered to impanel a jury, and swear them, that they will assess such damages to be given and recompence to be made to the owners and others interested in the said ground rent or charge respectively, for their respective interests, as they shall think reasonable, not exceeding 25 years purchase for lands

so

so laid out; and likewise such recompence as they shall think reasonable, for the making a new ditch and fence, to that side of the highway that shall be so enlarged, and also satisfaction to any person that may be otherwise injured by enlarging the said highways.

f. 1.

And they shall have power to order an assessment to be made upon all the inhabitants, owners, or occupiers of lands, houses, tenements, or hereditaments, that ought to repair the same, in such manner as the said justices shall appoint. *f. 1.*

Provided, that no such assessment in any one year, for enlarging highways, shall exceed 6*d.* in the pound of the yearly income of any lands, houses, tenements, and hereditaments, nor the rate of 6*d.* in the pound for personal estates. *f. 2.*

And the said assessment shall by order of the said justices be levied by the surveyor, by distress, if not paid in ten days after demand. *f. 1.*

And the money thereby raised, shall be employed and accounted for, according to the order of the said justices, towards purchasing the said lands, and making the said ditches and fences. *f. 1.*

And upon payment of the money so awarded, or leaving it in the hands of the clerk of the peace for the use of the owner, or others interested in the said ground, the interest of the said persons in the said ground rent or charge, shall be for ever divested out of them. *f. 1.*

And the said ground shall be esteemed a publick highway to all intents and purposes. *f. 1.*

Provided, that if any such order shall be made by the said justices for the laying out of ground for the enlarging of highways, the owners of the ground shall have free liberty, within 8 months after such order, to cut down any wood or timber growing thereon; or upon the neglect thereof, the same shall be sold by order of the justices, and the owners shall receive the full of what shall be made thereof, the charges of working the same being deducted. *f. 4.*

And any person aggrieved by the order of the justices, may appeal to the next assizes; and if the judge shall affirm the order, he may award costs against the appellant, to be levied by distress. *f. 5.*

4. In order to prevent robberies, it is enacted by the 13 *Ed. 1. f. 2. c. 5.* That highways leading from one market town to another shall be enlarged, so that there be neither dyke, tree, nor bush, within 200 foot on each side of the way. Except ashes and great trees. And if by default of the lord that will not avoid the dyke, underwood, or bushes, any robbery be done therein, the lord shall be answerable for the felony; and if murder be done, the lord shall make a fine at the king's pleasure. And if the lord be not able to fell the underwoods, the country shall aid him. And if a park be taken from the highway, it is requisite that the lord shall set his park 200 foot from the highways, or that he make such a wall, dyke, or hedge, that offenders may not pass nor return to do evil.

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XXII. *Lands given to repairing highways.*

Charities.

Where any lands have been, or shall be given for the maintenance of causeys, pavements, highways, and bridges, the trustees shall let them to farm, at the most improved yearly value, without fine; and the justices in open sessions shall inquire by such ways and means as they think fitting, into the value of such lands; and if the trustees have been faulty, they may order the improvement and employment of the profits thereof, according to the direction of the donor. (Except lands given for the said uses to colleges or halls, which have visitors of their own.) 22 C. 2. c. 12. s. 2.

XXIII. *Assessment for the repair of highways.*

Assessment.

Where the justices at the general or quarter sessions, shall be fully satisfied, that the highways within any parish, township, or place, cannot otherwise be sufficiently repaired, an assessment upon all the inhabitants, owners, and occupiers of lands, tenements, and hereditaments, or any personal estate, usually rateable to the poor, shall be made, levied, collected, and allowed by such persons, and in such manner, as the said justices by their order at such sessions shall appoint: And the money thereby raised, shall be employed and accounted for, according to the orders and directions of the said justices, towards repairing and supporting the same: And the said assessment shall be levied by distress and sale of the goods of every person so assessed (not paying the same within ten days after demand). Provided, that no such assessment in any one year, shall exceed 6d. in the pound of the yearly value of any lands, houses, tenements, and hereditaments so assessed, nor the rate of 6d. for 20l. in personal estate. 3 W. c. 12. s. 17, 18.

And on application of the surveyor, the said justices may, if they see fitting, cause such assessment to be made, altho' the six days work hath not been performed; but the said assessment shall not excuse the six days labour. 1 G. 2. c. 52. s. 6.

T. 6 G. K. and the inhabitants of *Stroud*. An order for imposing a rate towards the repairs of the highways, was quashed for two exceptions: 1. Because it did not appear but that the statute labour was sufficient. And, 2. Because only the occupiers of land are charged, whereas others are equally liable. *Str.* 315. In all such cases, it is best to pursue the statute; and the order therefore in this case should have set forth, not that the statute labour was insufficient, but that the court was fully satisfied that the highways could not otherwise be sufficiently repaired; and they should have ordered an assessment upon all the inhabitants, owners, and occupiers of lands, tenements, and hereditaments, or any personal estate, usually rateable to the poor, within the parish or district.

Parish contributory. *XXIV. In what case the whole parish shall be contributory.*

If any innship, liberty, precinct, or vill, that was to repair its own highways, shall have levied 6*d.* in the pound, and employed the same in repairing, and yet the said highways are not sufficiently repaired, the justices at their special sessions may order the whole parish to contribute towards the repairing thereof. 7 & 8 *W. c.* 29. *f.* 4.

XXV. Further provision for the same, by the common law.

Where the statute provisions shall fall short, the common law to come in aid.

It is no excuse for the inhabitants of a parish, being indicted at common law, for not repairing the highways, that they have done all that is required of them by statute; for since these statutes are wholly in the affirmative, and made in aid of the common law, and to supply the defects thereof, they shall not be construed to abrogate any provision thereby made for these purposes. 1 *Harv.* 204. So that at all events, the parish may be compelled to make their ways good.

XXVI. Presentment or indictment (C) of highways in general.

Indictment to be within the county.

1. All defects of repairs of highways, shall be presented in the county where they lie, and not elsewhere. 22 *C. 2. c.* 12. *f.* 4.

Must shew it to be a highway.

2. And the indictment must shew, that the way is common to all the king's people; for which cause it hath been resolved, that an indictment for a nuisance to a horseway, without adding that it is a highway, is naught. 1 *Harv.* 220.

Note; The expression for the king's highway, when the indictments were in *Latin*, was *alta via regia*; which a modern author, in his form of an indictment, translates a royal highway.

Must shew the places from and to which it leads.

3. It is safest in the indictment to shew both the place from which, and also the place to which the way supposed to be out of repair doth lead; yet exceptions for want of such certainty have sometimes been disallowed: however it seems certain, that there is no necessity to shew that a highway leads to a market town, because every highway leads from town to town. 1 *Harv.* 219.

Place where.

4. It is necessary in the indictment expressly to shew, in what place the nuisance complained of was done; for which cause, an indictment for stopping a way at *D.* leading from *D.* to *C.* is not good, for it is impossible that a way leading from *D.* should be in *D.* and no other place is mentioned. 1 *Harv.* 219.

Need not name the inhabitants.

5. It is said, that a presentment that a highway in such a place is decayed, by the defaults of the inhabitants of such a town is good, without naming any person in certainty. 1 *Harv.* 220.

6. But it hath been adjudged, that an indictment against particular persons, must specially charge them every one. 1 *Harw.* 220. Indictment against particular persons.
7. It ought also certainly to shew, to what part of the highway the nuisance did extend, as by shewing how many foot in breadth it contained; or otherwise the defendant will neither know of the certainty of the charge, against which he is to make his defence, neither will the court be able from the record to judge of the greatness of the offence, in order to assess a fine answerable thereunto; and it hath been resolved, that the place is not sufficiently ascertained by shewing, that it contained so many foot in length, and so many in breadth, *by estimation.* 1 *Harw.* 220. Must set forth how much is out of repair.
8. Also, the fact must be expressed in such proper terms, that it may clearly appear to the court to have been a nuisance; and for this cause it hath been resolved, that a presentment for *diverting* a highway is not good, because a highway cannot be diverted, but must always continue in the same place where it was, howsoever it may be *obstructed*, and a new way made in another place. 1 *Harw.* 220. Must set forth the fact clearly.
9. It seems to be implied in the construction of all penal statutes, that no one ought to be convicted of any offence against them without having notice of the accusation made against him, and an opportunity of defending himself. And therefore it seems certain, that generally no one ought to be punished for any of the abovementioned offences, without being called upon to answer for himself, and having liberty to traverse the matters alledged against him. 1 *Harw.* 219. Persons indicted to have notice.
10. Upon an indictment against a parish for not repairing, they can give nothing in evidence upon the plea of not guilty, but that the way is in repair; but if it be against a particular person, he may give evidence that others ought to repair it. 3 *Salk.* 183. *Comb.* 396. Plea of not guilty.
11. And the defendants ought not to plead that they ought not to repair, without shewing who ought. 1 *Harw.* 220. Plea to charge others.
12. And Mr. *Hawkins* says, that if a particular person be bound to repair a highway, either by inclosure or by prescription, the parish cannot take advantage of it upon the plea of not guilty, but ought to set forth their discharge in a special plea. 1 *Harw.* 203. Special plea.
13. After conviction, or upon a demurrer, or confession, any one may take exceptions to such indictment or presentment in any court for the want of legal form; but the court in discretion will very rarely suffer a man to take such exceptions, before such conviction or confession, without a certificate and affidavit that the ways are in good repair. 1 *Harw.* 219. Exceptions to the form of the indictment.
14. And the defendants shall not be discharged by submitting to a fine, but a *disfringas* shall go in *infinitum* till they repair. 1 *Harw.* 220. Fine no discharge.

XXVII. Presentment of a justice on his own view. Presentment on view.

By the 5 *El. c.* 13. Every justice of the peace shall have authority on his own proper knowledge, in the open general sessions,

to make presentment (D) of any highway not well and sufficiently repaired, or of any other default contrary to the statute of the 2 & 3 P. & M. And every such presentment made by a justice upon his own knowledge shall be as good, and of the same force, strength, and effect in the law, as if the same had been presented, found, and adjudged by the oath of 12 men: And for every such default so presented, the justices shall immediately at the said general sessions, have authority to assess such fines as to them shall be thought meet: Saving every person that shall be touched by any such presentment, to have his lawful traverse to the same presentment, as they may have upon any indictment of trespass or forcible entry. *f. 9.*

Hereupon it hath been observed by Mr. Dalton and others, that the justices at the said sessions may assess the fine upon such offenders, and that in the absence of the party, without calling him to answer by any process: Which opinion seeming contrary to natural justice, and to the privilege of an *Englishman* as established by the great charter, perhaps hath not been sufficiently weighed by all the authors who have adopted it; and there seems to be the more ground for this suspicion, in that most of them do quote Mr. Crompton for this opinion, one after another, in a wrong page; and in fact Mr. Crompton saith no such thing; but rather seems to incline to the contrary opinion; his words are these,—A presentment at the sessions by a justice of the peace, upon his own knowledge, of such a highway not repaired, is as a presentment, of 12 men, upon which the justices may assess a fine, by 5 *El. c. 13.* and 3 *P. & M. c. 8.* but the party may have a traverse to the presentment by the said statute of 5 *El. Crompt. 110.*

And Mr. Hawkins, observing upon this opinion, saith thus: It hath been holden, in the exposition of this clause, that the party against whom such a presentment shall be made, cannot take any traverse to the want of repair of such highway; but it is agreed, that he may plead that some other person ought to repair the same, and traverse his own obligation to do it. Neither can I see upon what reason the former opinion is grounded, that he cannot traverse the want of repair of such highway; for since the statute expressly saves to every person who shall be touched by any such presentment, his lawful traverse to the same, as he might have to an indictment of trespass or forcible entry; and since it seems clear, that every defendant to any such indictment (*viz.* of trespass or forcible entry) may traverse the whole matter alledged against him, why may he not as well have the same benefit in the present case? And tho' the record of a justice of the peace, acting by force of any statute, as a judge be not traversable, yet it seems hard by such a general rule, to make any record not traversable, which by the express words of the statute which authorizes the making of it is allowed to be traversable. 1 *Harr. 217.*

To which may be added, that the statute doth not say, that such presentment shall be of like force as if found by the oaths of both juries (that is to say, both of the grand and traverse jury), but only that it shall be of the like force, as if it had been presented,

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sented, found, and adjudged, by the oath of 12 men; which can only intend, that it shall be of equal force with the presentment of a grand jury.

So that the sense of the statute perhaps may be no more than this; that if the party is present in court, and submits to the presentment, the justices may immediately assess a fine: but he may traverse the presentment if he will; and if upon the traverse he shall be acquitted, then there can be no foundation for fining him. But if he is absent, it is reasonable that he be first summoned to answer for himself; and if he shall afterwards be convicted either by confession, or by verdict, then will be the time to set the fine. Otherwise, the assessing of a fine, in this and the like cases, seemeth to be premature; beginning where the court should end; being in effect the giving of judgment before they have heard the parties; and it is possible the defendant may be acquitted, and then the fining of him is ridiculous.—Besides, that the court cannot so well judge beforehand of the *quantum* of the fine, which ought to be proportioned according to the demerits of the offence; of which they can by no means judge, until the matter hath come before them in a legal course of proceeding.

XXVIII. Power of the leet to punish offences. Leet.

1. The steward of the leet hath power given him, to inquire by the oaths of the suitors, of offences against the abovesaid statutes of 2 & 3 P. & M. c. 8. and 18 El. c. 10. and to assess fines and amerciaments for the same.

2. And he who is presented in a court leet, for any offence relating to the highways, can only traverse it so far as it concerns his freehold; as by charging him with being bound to such repairs in respect of the tenure of his lands; for which purpose he may remove it by *certiorari* into the king's bench, and there traverse it. 1 Ha. w. 219.

XXIX. Fines and the disposal thereof. Fines.

1. All the *penalties and forfeitures* by any statute (as hath been observed in the preamble to this title) are vested in the informer, by the 24 G. 2. c. 43. But the *fines* upon an *indictment* or *presentment* seem to continue as before.

2. Concerning which it is enacted, by the 3 W. c. 12. that no fine shall be returned into the exchequer, but shall be levied and paid into the hands of the surveyors, to be applied towards the repair of the highways. *s.* 14.

3. And if any fine imposed for not repairing, shall be levied on any one inhabitant, or more; such inhabitant shall make complaint to the justices at the special sessions, and the said justices or any two of them may by warrant under their hands and seals cause a rate to be made for reimbursing him; which rate so made, and confirmed by two justices, shall be collected and levied by the surveyor, by distress; who shall within one month after confirming the rate pay the same to such inhabitant. 3 W. c. 12. *s.* 14.

4. And

4. And if any fine shall be misapplied by any person, he shall on conviction thereof at the special sessions, by proof upon oath, forfeit 5 *l.* to the informer, by distress. 1 *G. fl. 2. c. 52. f. 5.*

Account.

XXX. Surveyor's account.

The surveyor before he shall be discharged from his office, shall at some special sessions give an account upon oath of all money that has come to his hands, which ought to be employed in amending of the highways, and how he hath disposed thereof; and if any shall remain in his hands, he shall deliver the same to his successor, and in case of failure, he shall forfeit double value of what shall be adjudged to be in his hands by the said justices, to be levied by distress, by warrant of two justices of the division, and in default thereof, of any neighbouring justices. 3 *W. c. 12. f. 9.*

For which account or oath no fee shall be taken. 1 *G. fl. 2. c. 52. f. 11.*

Appeal.

XXXI. Appeal.

1. If any person is aggrieved with any assessment, or other act by the justices, done on the statute of 3 *W. c. 12.* he may appeal to the sessions, whose order therein shall bind all parties. *f. 19.*

2. And persons aggrieved by any thing done on the act of 1 *G. fl. 2. c. 52.* (except those who shall neglect to scour their ditches, and carry away the earth taken out of them, or who shall not carry away stone, timber, straw, or dung left in the highways, or who shall not remove any other annoyances by watercourses) may appeal to the next sessions, whose order shall conclude and bind all persons. *f. 12.*

3. Other appeals, where the law admits of them, are annexed in the particular offences.

XXXII. Certiorari.

By the 22 *C. 2. c. 12.* it is provided, that no presentment or indictment for the defect of repairs of highways, shall be removed by *certiorari* or otherwise, till after traverse and judgment. *f. 4.*

And by the statute of the 3 *W. c. 12.* No presentment, indictment, or order made upon that act, shall be removed at all by *certiorari*, into any other court. *f. 23.*

But by the 5 *W. c. 11.* If the right or title to repair come in question, a *certiorari* (upon affidavit made of the truth thereof) may be granted to remove the same into the king's bench; provided that the party prosecuting the *certiorari*, shall (before the allowance thereof) find two manucaptors who shall enter into recognizance of 20 *l.* before a justice of the peace, that he shall at his own costs and charges procure the issue to be tried at the next assizes, as in the case of other *certioraries*. *f. 6.*

And it hath been resolved, that if the quarter sessions, under pretence of the jurisdiction given them by these statutes, take upon them

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Journal

Monday, 1st of May 1861
Left New York at 10 AM for
Savannah, Georgia. Arrived
at 10 PM. The weather was
fine and the trip was very
pleasant. I was met by Mr.
A. B. C. and Mr. D. E. F.
and they showed me to my
room. The hotel was very
comfortable and the food was
excellent. I was very
pleased to be here.

Tuesday, 2nd of May 1861
Left Savannah at 8 AM for
Macon, Georgia. Arrived at
10 AM. The weather was
fine and the trip was very
pleasant. I was met by Mr.
G. H. I. and Mr. J. K. L.
and they showed me to my
room. The hotel was very
comfortable and the food was
excellent. I was very
pleased to be here.

Wednesday, 3rd of May 1861
Left Macon at 8 AM for
Augusta, Georgia. Arrived at
10 AM. The weather was
fine and the trip was very
pleasant. I was met by Mr.
M. N. O. and Mr. P. Q. R.
and they showed me to my
room. The hotel was very
comfortable and the food was
excellent. I was very
pleased to be here.

Thursday, 4th of May 1861
Left Augusta at 8 AM for
Savannah, Georgia. Arrived at
10 AM. The weather was
fine and the trip was very
pleasant. I was met by Mr.
S. T. U. and Mr. V. W. X.
and they showed me to my
room. The hotel was very
comfortable and the food was
excellent. I was very
pleased to be here.

Friday, 5th of May 1861
Left Savannah at 8 AM for
New York. Arrived at
10 AM. The weather was
fine and the trip was very
pleasant. I was met by Mr.
Y. Z. A. and Mr. B. C. D.
and they showed me to my
room. The hotel was very
comfortable and the food was
excellent. I was very
pleased to be here.

them to do a thing manifestly exceeding their authority, as to make an order on surveyors to make up their accounts before a special sessions, their proceedings may be removed by *certiorari* into the king's bench, and there quashed; for the quarter sessions have no manner of power given them, to intermeddle originally with such accounts, but only by way of appeal. 1 *Haw.* 218.

And, *M.* 3 *G.* 2. *K.* and *Greenhaw.* A *certiorari*, for the like reason, was granted to remove an indictment for not doing the statute labour; for the statute hath appointed another method of proceeding against such offender, and not by indictment. *Str.* 849.

M. 6 *G.* 2. *K.* and *Eckershall.* An order was made on the 7 & 8 *W.* c. 29. for the parish at large to repair the highways, the 6 *d.* in the pound levied on the township not being sufficient. And a *certiorari* being moved for, it was objected, that the 3 *W.* c. 12. had taken it away. To which it was answered, that this is an order founded on a subsequent law. But by the court, They must both be taken together: the rate must be made in aid of the township, by virtue of the former law. So a *certiorari* was denied. *Str.* 944.

E. 4 *G.* 2. *K.* and the inhabitants of *Hamworth.* Upon motion to quash a *certiorari* to remove an indictment against the defendants at sessions, for not repairing a bridge; it was insisted, that by the 1 *An.* c. 18. the *certiorari* is taken away. To which it was answered, and resolved by the court, that this act extended only to bridges where the county is charged to repair; and that where a private person or parish is charged, and the right will come in question, the 5 *W.* c. 11. had allowed the granting a *certiorari*. And therefore they refused to quash. *Str.* 900.

E. 17 *G.* 2. *K.* and *Farewell.* The prosecutor of an indictment for a nuisance in the highway, took out a *certiorari*; and the defendant moved to quash it, there being no affidavit made according to the 5 *W.* c. 11. nor any recognizance given according to former statutes concerning *certioraries*. But the court, on considering these acts, held, that they related only to *certioraries* applied for by defendants, and not to one for the king, as this was. And many precedents were shewed of *certioraries* for a prosecutor taken out in the manner this was. And the *certiorari* was allowed. *Str.* 1209.

XXXIII. Turnpikes.

After having first premised, that by the 28 *G.* 2. c. 17. it is provided, that every prosecutor or informer may sue for any forfeiture or penalty imposed by any act relating to turnpike roads, in the manner directed by such act, or in any of the courts at *Westminster* in manner following, *viz.* if it is a pecuniary penalty, by action of debt, in which it shall be sufficient to declare, that the defendant is indebted to the plaintiff in the sum of ——— being forfeited by an act intituled, *An act to amend an act made in the 26th year of the reign of his present majesty*, intituled, *An act for the amendment and preservation of*

the publick highways and turnpike roads of this kingdom; and for the more effectual execution of the laws relating thereto; and if it is a horse, beast, or other goods, by an action of trover, in which the value thereof shall be given in damages, without any proof of any seizure or demand: But only that there shall be one recovery for one offence *bona fide*; and no action by this act to be brought in the courts at *Westminster*, but in six months: *f. 15, 16.* It is judged proper under this head (which is at length become a little perplexed) to proceed in the following manner:

Qualification of
turnpike trustees.

1. No person shall be qualified to act as a turnpike trustee, unless he shall be in his own right, or in right of his wife, in the actual possession or receipt of the rents and profits of lands of the clear yearly value of 40*l.* or possessed of or intitled to personal estate alone, or real and personal estate together, to the value of 800*l.* or shall be heir apparent of a person possessed of an estate in land of the clear yearly value of 80*l.* and unless he shall (not being such heir apparent) before he acts as trustee, take and subscribe the oath following before two trustees, *viz. I A. B. do swear, that I truly and bona fide am in my own right, or in right of my wife, in the actual possession and enjoyment, or receipt of the rents and profits of lands, tenements, or hereditaments, of the clear yearly value of 40*l.* or possessed of, or intitled to a personal estate alone, or real and personal estate together, to the value of 800*l.* So help me god.* And if any person shall act contrary hereto, he shall forfeit 50*l.* to him who shall sue. 28 G. 2. c. 17. *f. 13.*

Note; This is one general qualification for all turnpike trustees. By the several particular turnpike acts, other qualifications are usually appointed, all which shall stand, where the estate is limited above what is here directed; only this clause provides, that no turnpike trustee whatsoever shall have less estate than is here limited.

Alehousekeepers
not to be turn-
pike officers.

2. No person keeping a victualling house, alehouse, or other house of publick entertainment, shall be capable of any place of trust or profit under turnpike trustees, or of farming the tolls. 26 G. 2. c. 30. *f. 20.*

Erecting a turn-
pike gate with-
out lawful
power.

3. If the trustees shall erect or continue any turnpike gate, where they have no power so to do; the justices in sessions, on complaint thereof, may finally determine the same in a summary way, and order the sheriff to remove it. 5 G. 2. c. 33. *f. 4.* 8 G. 2. c. 20. *f. 17.*

Pulling down
turnpike gates.

4. By the 8 G. 2. c. 20. If any person shall either by day or night, wilfully or maliciously pull down, cut down, pluck up, throw down, level, or otherwise destroy any turnpike gate, post, rail, wall, chain, bar, or other fence, belonging to any turnpike gate, or any other chain, bar, or fence set up to prevent passengers from passing by without paying toll, or any house erected for the use of any turnpike gate, or forcibly rescue any person in custody for any the said offences, he shall be guilty of felony without benefit of clergy. *f. 1.*

And the said offence may be tried in any adjacent county. *f. 3.*

And

The first part of the history of the
country is the story of the
early settlers who came to the
land in the early days of the
colonies. They were men of
adventure and spirit, who
sought to make a new home
for themselves in a new
world. They were men of
faith and courage, who
fought for the rights of
freedom and justice. They
were men of vision and
idealism, who saw the
possibilities of a new
world. They were men of
action and energy, who
made the dream a reality.
They were the men who
built the foundations of the
new nation. They were the
men who gave the new
nation its character and
its soul. They were the men
who made the new nation
what it is today.

And by the 5 G. 2. c. 33; which made the like offences felony and transportation, the charges of prosecution shall be paid out of the tolls.

But the attainder shall not work corruption of blood, nor forfeiture of lands or goods. 8 G. 2. c. 20. §. 4.

And if any person, guilty of any the said offences, and being out of prison, shall discover and cause to be apprehended, one or more persons who shall have committed any of the said felonies, so as he shall be convicted, he shall have a pardon. §. 5.

And the hundred shall answer damages, not exceeding 20 l. as in cases of robbery; to be sued for in the name of the clerk of the peace, without naming him; the said damages to be applied as the tolls are. §. 6, 8.

But if an offender is convicted in 12 months, the hundred shall not be liable, but if they have paid such damages, the same shall be repaid to them out of the tolls. §. 7.

Also no action for such damages shall be brought, unless information on oath be made thereof within six days, before a justice in or near the hundred. §. 9.

Nor unless the suit be commenced in six months. §. 10.

5. If any person shall assault or threaten the collector of the toll, or forcibly pass through without paying toll, or shall forcibly carry away or detain him so as he shall not be able to return to his duty for three days; he shall, on conviction (after summons) by oath of one witness, before two justices near the division, forfeit 5 l. by warrant of the said justices, by distress; for want of distress, to be committed by them to gaol for six months, unless he shall be sooner discharged by the quarter sessions; and for the second or third offence, he shall forfeit 10 l. in like manner, and for want of distress shall be imprisoned for a year, and before he is discharged shall give security at the general quarter sessions for his behaviour for seven years. 8 G. 2. c. 20. §. 11.

Misusing the collector of the tolls.

And the collector of the toll may seize and detain any person guilty of the offences before mentioned, and carry him before a justice without a warrant; who shall bind him over to appear at the next petty sessions for the division, or commit him till he finds security to appear. §. 12.

But persons aggrieved by any order of two justices as aforesaid, may appeal to the next general quarter sessions; and if the court shall think that reasonable time of notice was not given, they may adjourn the appeal to the next quarter sessions; and may award costs to either party. §. 15.

And no *certiorari* shall be granted to remove any thing on this act, out of the county, into any other court. §. 16.

And if an action is brought against any on this act, it shall be laid in the proper county; and the defendant, if he recovers, shall have treble costs. §. 18.

6. It shall not be lawful, for any waggon, wain, cart, or wheel carriage, to be drawn on any turnpike road, unless the fellyes of the wheels be nine inches broad (except as hereafter excepted); on pain that the owner thereof shall forfeit 5 l. half to him who shall in-

Breadth of the wheels on turnpike roads.

form and sue, and half to the trustees for repairing the turnpike road: to be recovered in the courts at *Westminster* with treble costs; or before two justices where the offence shall be committed, who may on complaint in ten days, summon the party, and the witnesses on either side; and if the party shall not appear on such summons, then on oath of the fact committed they may issue their warrant for apprehending him within their jurisdiction; and upon his appearance or contempt (on proof of notice given) they may proceed; and if he shall be convicted, either by view of the justices or any of them, or on such information, or confession, they may issue their warrants to levy the penalty with costs of prosecution, by distress, and if not redeemed in five days, by sale; and where goods of the offender cannot be found, may commit him to prison for three months, or till payment. Persons aggrieved may appeal to the next general sessions, giving 14 days notice; and in five days after such notice, entering into recognizance with two sureties before one justice, to try the appeal: and the sessions may mitigate the penalty; and may give costs, and by their order or warrant cause the costs to be levied by distress of the goods of the party appealing, and for want of sufficient distress may commit him to the common gaol, not exceeding two months, or till payment of such costs; and if the party shall live in another district, any justice there, on a copy of the order proved upon oath, may by his warrant cause the same to be levied by distress, and if no sufficient distress can be had, shall commit him to the common gaol not exceeding two months, or till payment. 26 G. 2. c. 30. *f.* 1, 16, 17.

Or otherwise such owner shall forfeit any one of the horses or beasts, not being the thill horse, together with the accoutrements, to the sole use of him who shall seize or distrain the same. And the person seizing shall deliver such distress to the constable or some other parish officer in or near the place where the seizure shall be; who shall receive and keep the same, till the person seizing shall make proof on oath before a justice of the offence; which justice shall thereupon issue his precept to such constable or parish officer immediately to deliver the same to the seizer, to and for his own use and benefit, paying such reasonable charges for keeping and securing the same, as the justice shall direct; but if no such proof be made in three days, the distress shall be returned to the owner, he paying reasonable charges for the keeping and securing the same. And if any person shall attempt to obstruct the distraining thereof, he shall forfeit 10 *l.* to be recovered and disposed as above. *f.* 2, 13.

And if any person shall *drive* with wheels of less gage, or with more than the number of eight horses in four wheel carriages, or more than five in two wheel carriages (except such as are carrying one piece of timber, or one stone, or block of marble); the constable, or surveyor of the highways, or any other inhabitant of the parish or place where the offence shall be committed, and the surveyor of the turnpike, or any person appointed by five trustees, may apprehend and take such driver before a justice; and on conviction by confession, or oath of one witness, he shall forfeit 5 *l.*

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and if he have no goods whereon immediate distress may be had, the justice may commit him to the house of correction for one month, or till paid. *f. 14.*

By the wheel being nine inches broad is to be understood, that the sole or bottom of the fellies shall be nine inches broad, from side to side, at the least, and flat and even from side to side, as near may be. 28 G. 2. c. 17. *f. 5.*

And any two turnpike trustees, by writing under their hands, may order the fellies to be measured at the turnpike gate; and if any person shall attempt to obstruct the measuring thereof, he shall forfeit 10*l.* in like manner. 26 G. 2. c. 30. *f. 11, 13.*

But if it shall appear that the fellies when first made were of nine inches, and are narrowed by wearing, no penalty shall be incurred if they measure full eight inches. *f. 12.*

And the trustees, or five of them, shall from time to time, cause turnpike roads to be levelled, and put in condition for the use of travellers and carriages. 28 G. 2. c. 17. *f. 6.*

And no greater toll on turnpike roads shall be demanded for carriages having wheels nine inches broad, than is required by the respective turnpike acts to be paid for waggons or other four wheel carriages, drawn by five or four horses or beasts. 26 G. 2. c. 30. *f. 7.*

Moreover by the 28 G. 2. c. 17. For three years from June 24. 1755. but no longer, all waggons, wains, carts, and carriages, for all goods and merchandize, laden or unloaden, having the fellies nine inches broad, may pass through any turnpike gate without paying toll. *f. 1.*

And also the horses drawing the same shall for the said three years be exempted from tolls, as the carriages are. *f. 10.*

But this shall not extend to any chaise marine, coach, landau, berlin, chaise, or calash; nor to any waggon drawn by less than five horses or beasts: nor wain, cart, or other two wheel carriages, drawn by less than four. 26 G. 2. c. 30. *f. 3.*

But by the 28 G. 2. c. 17. All waggons, wains, or other four wheel carriages, not being common stage waggons or carriages (though the fellies are not of nine inches or six inches) may pass on any turnpike road, with any number of horses or beasts of draught not exceeding five horses or beasts of draught; and if any owner or driver shall travel with more, such owner shall forfeit 5*l.* by distress, by warrant of three trustees or one justice in or near the place where the offence shall be committed; and if any driver shall offend herein, such justice shall commit him to the house of correction for one month. *f. 8.*

But by a subsequent clause in the same statute, any waggon, wain, or other four wheel carriage, not having the fellies nine inches broad, may pass on any turnpike road, provided it be not drawn by more than six oxen or neat cattle in pairs, and two horses; or eight oxen in pairs, with one horse; And any cart or other two wheel carriage, not having the fellies of the breadth aforesaid, may pass, provided it be not drawn by more than six oxen or neat cattle in pairs, and one horse; or four oxen in pairs, and two horses. *f. 9.*

Also by the said act of the 28 G. 2. c. 17. All waggons having the fellies six inches broad, may pass through any turnpike gate, with six horses; and all carts and other carriages having the fellies six inches broad, with four horses; without paying more toll, than is paid for waggons now drawn by four, and carts drawn by three horses, or for the horses drawing the same. *f. 2.*

Note; By the general clause abovementioned, in the statute of the 28 G. 2. c. 17. *f. 8.* which enacteth, that if any owner or driver shall travel with more than five horses, in any waggon, wain, or other four wheel carriage, with fellies less than nine or six inches broad respectively, he shall be liable to a penalty; it seemeth that a coach or other like carriage with six horses cannot pass, without incurring such penalty: In former acts, there is a clause of exemption for coaches, landaus, berlins, chaises, and such like, which by mistake seemeth to have been omitted out of this act.

And to prevent the tolls from being diminished by the exemption of nine inch wheels, it is enacted, that for three years from June 24. 1755. and no longer, the turnpike trustees, or five of them, may cause to be taken an additional toll, if they shall find the same necessary on considering the state of their respective tolls, not exceeding one fourth part more than the tolls payable by the respective acts, for every coach, caravan, chaise marine, landau, berlin, chariot, chaise, chair, and calash, and for all waggons, wains, carts, and other carriages, not having the fellies nine inches or six inches broad respectively. 28 G. 2. c. 17. *f. 3.*

And that the said lessening of the tolls may not be prejudicial to persons who have lent money on the tolls; every turnpike act made this session of parliament or before, shall continue for five years from its expiration. *f. 4.*

And where the toll on horses or other beasts drawing or passing through any turnpike gate, doth not amount to more than $\frac{1}{2}d.$ for every horse drawing any wheel carriage, not having the fellies of nine inches or six inches, or to more than $1d.$ for two horses, or to more than $1\frac{1}{2}d.$ for three horses drawing such carriage; the trustees, or five of them, may if they find it necessary on considering the state of their tolls, collect double the former tolls in case they do not exceed $\frac{1}{2}d.$ and $1\frac{1}{2}d.$ in case they do not exceed $1d.$ and $2d.$ in case they do not exceed $1\frac{1}{2}d.$; and may collect the additional toll directed to be taken by this act, in cases where the present toll amounts to $2d.$ or more upon the horses drawing any carriage, in such manner as if such toll were laid upon the carriage; any thing in this or in any former act notwithstanding. *f. 11.*

Weighing engines, with the additional toll for over weight.

7. The turnpike trustees, or any five of them, may cause to be erected (on any part of the turnpike road, 21 G. 2. c. 28. *f. 1.*) a crane, machine, or engine, for the weighing of carts, waggons, or other carriages, for the conveying of goods; and by writing signed by them, may order such carriages which pass through such gate (except as hereafter excepted) to be weighed with their loading; and empower any person to take, over and above the other

The following is a list of the names of the persons who have been appointed to the various offices of the City of Boston, for the year 1851. The names are arranged in alphabetical order, and are given in full, with their respective offices. The names are given in full, with their respective offices. The names are given in full, with their respective offices.

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toll, 20*s.* for every hundred weight above 60, to be levied as the other tolls. 14 G. 2. c. 42. *f.* 1, 3.

And if it is within 30 miles of *London*, and the tolls amount to 150*l.* a year, they shall in some convenient place, cause such crane or engine to be erected. 24 G. 2. c. 43. *f.* 6, 7.

But this shall not extend to carts, waggons, or other carriages, employed only about husbandry, or carrying of only cheese, butter, hay, straw, corn unthreshed, or chalk, or any one stone, block of marble, or piece of timber, nor to caravans, or the covered carriages of noblemen and gentlemen for their private use, or such timber, ammunition, or artillery, as shall be for his majesty's service. 14 G. 2. c. 42. *f.* 5.

Also it shall notwithstanding, be lawful for any carriage loaden with or carrying one tree or piece of timber, or one stone, or block of marble only, having the fellies of the wheels nine inches broad, to pass on any turnpike road, with any number of horses or beasts; and for any waggon, or other four wheel carriage, having the fellies nine inches broad, to pass on any turnpike road, with any number of horses or beasts, not exceeding eight; and for any cart or other two wheel carriage, having the fellies nine inches broad, with any number not exceeding five; without being liable to be weighed, or to pay the additional toll of 20*s.* 26 G. 2. c. 30. *f.* 4.

And by the aforefaid clause of the 28 G. 2. abovementioned, All waggons, wains, carts, and carriages, for all goods and merchandize, loaden or unloaden, having the fellies nine inches broad, may for the space of three years from *June* 24. 1755. pass through any turnpike gate without paying any tolls at all. *f.* 1.

And if any collector of the tolls, at any gate where or near to which any engine for weighing of carriages shall be erected, shall suffer any cart, waggon, or carriage aforefaid, not having the fellies nine inches broad to pass without weighing; he shall, on conviction before three trustees, or one justice, on the oath of one witness, be committed to the house of correction to hard labour for one month. 28 G. 2. c. 17. *f.* 7.

And if any person shall hinder, or attempt to hinder, the weighing, or seizing any distress for such additional toll, or shall rescue the same, or use any violence to any person concerned in such weighing or seizure; he shall, on oath of one witness, before one justice where the offence shall be committed, or the offender shall dwell, be committed to gaol for three months, and forfeit 10*l.* by distress; and if not paid in three days, to be sold. 14 G. 2. c. 42. *f.* 4.

8. If any person shall unload any goods, before the same shall come to the weighing engine, in order to avoid paying the 20*s.* or shall after it has passed the engine, load thereon any goods taken from any horse or other carriage belonging to such waggoner, he shall forfeit 20*l.* in like manner. 21 G. 2. c. 28. *f.* 2.

And more generally, by the 28 G. 2. c. 17. If any person shall unload any goods from any carriage before they come to the turnpike gate, in order to avoid payment of the toll; such person, be-

Unloading goods to avoid the toll

ing the *owner*, on conviction before three trustees or one justice, on the oath of one witness, shall forfeit 5*l.*; if not forthwith paid, to be levied by distress, rendering the overplus on demand, after deducting the reasonable charges of making the distress and sale, to be settled by such trustees or justice: and every *driver* offending, shall on like conviction be committed to the house of correction for one month. *f.* 7.

Waggon turned out of the road to avoid the tolls.

9. And no waggon, or other carriage, travelling for hire, upon any turnpike road, shall be turned out of the same, into any of the roads adjacent not being turnpike, in order to avoid, and thereby avoiding paying the tolls; on pain of forfeiting any one of the horses drawing (not being the thill or shaft horse) with all his geers and accoutrements, to the sole benefit of any person who shall seize the same; and the person making such distress, shall proceed in like manner, and be intitled to the like remedies, as is before directed in cases of seizures of horses, by the statute of the 5 G. c. 12. 24 G. 2. c. 43. *f.* 4.

What inscription shall be on the waggon.

10. If any owner of any waggon, wain, or cart, travelling for hire, shall drive or cause the same to be driven, on any turnpike road, not having his christian and surname and place of abode, in large letters on the tilt or other conspicuous part of such waggon; he shall forfeit as for having the fellies under nine inches broad: and if he shall have any fictitious name thereon, he shall forfeit 50*l.* to be recovered in the courts at *Westminster*, or before two justices as is aforesaid. 26 G. 2. c. 30. *f.* 15.

And moreover, every owner of a common stage waggon or cart, having the fellies under nine inches or six inches, shall over and above cause to be painted on the tilt of such as hath a tilt, otherwise on the most conspicuous part, the following words in large and legible characters [COMMON STAGE WAGGON or CART] on pain of forfeiting one of the horses or beasts (not being the shaft or thill horse) with the accoutrements, to him who shall seize the same; the seizer to have like remedy as before is specified in the case of drawing with wheels under nine inches broad, by the 26 G. 2. c. 30. *f.* 2, 13. 28 G. 2. c. 17. *f.* 14.

Prosecution how to be ordered for offences against turnpike laws.

11. The turnpike trustees, or five of them, shall appoint persons to carry on prosecutions, for offences against any acts relating to turnpike roads; and charge the surveyors to be diligent in inquiring after such offences: and all turnpike officers shall (on pain of removal and disability) as often as any offence shall come to their knowledge, give immediate notice to a trustee, who shall forthwith procure a meeting of the trustees or five of them, who shall give immediate directions for the prosecution. 26 G. 2. c. 30. *f.* 18, 19.

Provided, that they shall not be obliged to prosecute, unless on confession of the offender, or unless one witness can be produced to prove the offence. *f.* 22.

And the trustees, or five of them, shall out of the tolls pay to the prosecutor, so much as the costs allowed by law shall fall short of reimbursing him his reasonable expences. *f.* 21.

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And every turnpike surveyor and toll gatherer, and all such persons employed by the trustees as receive salaries, who shall wilfully neglect to seize any supernumerary horse drawing contrary to the acts of the 26 G. 2. c. 30. and 28 G. 2. c. 17. and to lay such information upon oath before a justice, or before the trustees at their meetings, as by the said act of the 26 G. 2. is directed,—shall upon information on oath before one justice, forfeit 10*l.* half to the informer, and half to repairing the roads as the trustees shall think fit. 28 G. 2. c. 17. *f.* 17.

And to prevent fraudulent seizures to evade the penalties, it shall be lawful for all courts, and every justice of the peace before whom any proceeding shall be, for any penalty or forfeiture inflicted by any act for repairing turnpike roads, or any way concerning the same, and they are required, where any prior seizure, action, information, or conviction shall be set up by way of defence,—to examine into the real merits thereof; and if it shall appear that the same was not done to recover such penalty or forfeiture for the real purposes for which they were enacted, but to favour the offender, such prior proceeding shall be deemed fraudulent and void; and such court or justice shall proceed as if no such prior proceeding had been. 28 G. 2. c. 17. *f.* 12.

12. The constable shall execute all warrants on the act of the 8 G. 2. c. 20. abovementioned, and on any former act concerning turnpikes; on pain of 5*l.* to be levied by distress, by warrant of two justices directed to the high constable, in like manner as the penalties for assaulting the collector of the toll. 8 G. 2. c. 20. *f.* 13.

Constable to execute the warrants of the trustees.

HAVING thus gone through the great number of laws relating to the highways, I shall add one observation upon the whole, which is this;—Notwithstanding that the wisdom of the nation hath been employed for above 200 years in redressing the great evil of bad roads, yet excepting in some cases where turnpikes have been erected, the roads are as bad now, as they were in the days of *Philip* and *Mary*. And the defect is in many places, not so much the want of hands, as of proper direction. The same multitudes which will assemble to demolish a turnpike, at the hazard of their liberty and lives, are able, and (I doubt not) would be willing, if rightly instructed, to make the roads good, without paying turnpike tolls. But the misfortune is this; altho' the laws have provided that the surveyors shall be chosen out of the more substantial inhabitants, yet when that is done, scarce one of them in 500 knows how to make a good road, and if he does, his power continues in effect but for six days; and his successor probably hath other schemes and notions, and the road is made never the better. Hence it is, that when the people assemble to repair the highways (if indeed they do assemble), they spend the time in diversions, and making bargains, and other idle amusements. And why should they not? They may as well meet and do nothing, as work hard, and to no purpose. And from so many years experience, the case will never be otherwise, unless the

the justices of the peace, or others (in like manner as the turnpike trustees), shall have power given to them by act of parliament, to appoint general surveyors, within proper districts, with salaries, to lay out the roads, and attend and direct the work, and see the statute labour well performed. And this may be effected without any new assessment or charge; half the present assessment of 6*d.* in the pound, or even less than half, would be sufficient in many places both to find salaries, and to widen and purchase roads where needful. And the people, when they should find the benefit of their labour, would work with cheerfulness.

There is another defect, especially in the northern counties, in proportioning the number of men and carriages. The law requires no persons to find carts or carriages (as hath been said) but those who have 50*l.* a year, or who keep a draught or plough: All others (having above 40*s.* a year) are to find two men, but no cart or carriage. Now in many places, the people who occupy 50*l.* a year, or who keep a draught or plough are very few in comparison of those who keep a single horse and cart, and have not perhaps two able men in the family: In which case, it would be more eligible and useful, for such families to find one man with the horse and cart, than two men without the same.

A. Warrant for the returning new surveyors; on
3 *W. c.* 12. *f.* 3, 9.

Westmorland. { To Edward Cooke, gentleman, high constable
of Lonsdale ward within the said county.

BY virtue of the statute in that behalf made, You are hereby required forthwith to issue your warrants to all the petty constables within your said ward, in the form or to the effect following; that is to say:

Westmorland {
Lonsdale Ward. { To the constable of ———.

BY virtue of a precept from his majesty's justices of the peace, acting in and for the said Ward, within the said county, at their special sessions for the highways within the said Ward assembled, you are hereby required to give due notice to the churchwardens, surveyors of the highways, and other inhabitants, within your parish, that they do assemble together with you the said constable, on the 26th day of December next, and make a list of the names of a competent number of the inhabitants within your said parish, who have an estate in lands, tenements, or hereditaments, in their own right or of their wives, of the yearly value of 10*l.* or a personal estate of the value of 100*l.* or are occupiers or tenants of houses, lands, tenements, or hereditaments of the yearly value of 30*l.* if any such there be, or if there be no such persons in your said parish, then the said list to be of the most sufficient inhabitants within
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your said parish: With which said list you are personally to appear before the said justices at their special sessions to be holden at ——— within the said Ward in the county aforesaid, on the ——— day of ——— now next ensuing, at the hour of ——— in the forenoon of the same day; that out of the said list the said justices then and there may nominate and appoint such persons to be surveyors of the highways within your said parish for the year then next ensuing, as they the said justices shall think fit and approve of. [And you are likewise to give notice to the present surveyors, that they do appear at the same time and place, and give an account upon oath before the said justices, of all money that hath come to their hands, which ought to be employed in amending of the highways, and how they have disposed of the same.] Given under my hand at Hall Beck in the said county, the ——— day of ———.

Edward Cooke,
High Constable.

And this you the said high constable are in no wise to omit, on the peril that shall ensue thereof: Given under our hands and seals at our special sessions at ——— in the said county, the ——— day of ——— in the ——— year of the reign of ———.

B. Appointment of the surveyor.

Westmorland
Lonsdale Ward.

{ At a special sessions of the peace for the said Ward, held at ——— in the said Ward, within the county aforesaid, the ——— day of ——— in the ——— year of the reign of ——— by and before ——— esquires, justices assigned to keep the peace of our said lord the king in the said county:

WE the said justices do hereby nominate and appoint A. S. of ——— in the parish of ——— in the county aforesaid, yeoman, to be surveyor of the highways within the said parish [or, within the township of ——— within the said parish] for one whole year next ensuing the date hereof, and until he shall have given an account of his receipts and disbursements and other matters relating to his said office, according to law. Given under our hands and seals the day and year first abovescribed.

C. Indictment for not repairing a common highway.

THE jurors for our lord the king upon their oath present, that from the time whereof the memory of man is not to the contrary, there was, and yet is a common and ancient king's highway, leading from the town of ——— in the county of ——— towards and unto the market town of ——— in the county of ———, used
for

for all the liege subjects of our said lord the king, and of his predecessors, with their horses, coaches, carts, and carriages, to go, return, pass, ride, and labour at their will and pleasure; and that a certain part of the same king's common highway, called _____ situate, lying, and being in the parish of _____ in the county of _____ aforesaid, containing in length _____ feet, and in breadth _____ feet, on the _____ day of _____ in the _____ year of the reign of _____ and continually afterwards, until the day of the taking of this inquisition, was and yet is in great decay, for the want of due reparation and amendment of the same, so that the subjects of our said lord the king, passing and travelling thro' the same, with their horses, coaches, carts, and carriages, could not during the time aforesaid, nor yet can, go, return, pass, ride, and labour, without great danger; to the great damage and common nuisance of all the liege subjects of our said lord the king, passing thro' that way, and against the peace of our said lord the king, his crown, and dignity: And that A. O. of _____ aforesaid, gentleman, ought by reason of the tenure of his lands and tenements, situate, lying, and being at _____ aforesaid, in the county aforesaid, to repair and amend the said highway, when and so often as it shall be necessary.

Or, that the inhabitants of the said parish of _____ in the said county of _____ the common highway aforesaid (so as aforesaid being in decay) ought to repair and amend, when and so often as it shall be necessary.

Indictment for not repairing an ancient horse and foot way.

THE jurors for our lord the king upon their oath present, that from the time, of which the memory of man is not to the contrary, there was, and yet is, a certain common and ancient highway, leading from _____ in the county of _____ to _____ in the county of _____ for all the liege subjects of our now lord the king, and his ancestors, on horseback and on foot, to go, return, pass, ride, labour, and drive their cattle at their will, and that a certain part of the same common highway, situate, lying, and being within the parish of _____ in the county of _____ aforesaid, containing in length _____ feet, and in breadth _____ feet, on the _____ day of _____ in the _____ year of the reign of _____ and continually afterwards, until the day of the taking of this inquisition, at the parish of _____ aforesaid, in the county aforesaid, was, and yet is, very ruinous, miry, deep, broken, and in such decay, for want of due reparation and amendment of the same, that the liege subjects of our said lord the king, by and thro' the same way, with their horses and cattle, could not during the time aforesaid, nor yet can go, return, pass, ride, and labour, as they ought and were wont to do, without great danger of themselves and of their goods, to the great damage and common nuisance of all the liege subjects of our said lord the king, through the same highway going,

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a formal communication, and the language is very dignified and official. The President expresses his regret that he cannot deliver the message in person, and he asks the Congress to excuse his absence.

2. The second part of the document is a report from the Secretary of the Interior, dated January 1, 1861. It is a detailed account of the work of the Department during the year, and it covers a wide range of subjects, including the management of the public lands, the surveying of the public lands, and the administration of the Indian affairs.

3. The third part of the document is a report from the Secretary of the Treasury, dated January 1, 1861. It is a detailed account of the work of the Department during the year, and it covers a wide range of subjects, including the management of the public debt, the collection of the customs duties, and the administration of the internal revenue.

4. The fourth part of the document is a report from the Secretary of the War, dated January 1, 1861. It is a detailed account of the work of the Department during the year, and it covers a wide range of subjects, including the management of the military forces, the supply of the army, and the administration of the military affairs.

5. The fifth part of the document is a report from the Secretary of the Navy, dated January 1, 1861. It is a detailed account of the work of the Department during the year, and it covers a wide range of subjects, including the management of the naval forces, the supply of the navy, and the administration of the naval affairs.

6. The sixth part of the document is a report from the Secretary of the State, dated January 1, 1861. It is a detailed account of the work of the Department during the year, and it covers a wide range of subjects, including the management of the diplomatic relations, the administration of the foreign affairs, and the management of the consular service.

7. The seventh part of the document is a report from the Secretary of the Education, dated January 1, 1861. It is a detailed account of the work of the Department during the year, and it covers a wide range of subjects, including the management of the public schools, the administration of the higher education, and the management of the educational affairs.

8. The eighth part of the document is a report from the Secretary of the Agriculture, dated January 1, 1861. It is a detailed account of the work of the Department during the year, and it covers a wide range of subjects, including the management of the public lands, the surveying of the public lands, and the administration of the agricultural affairs.

9. The ninth part of the document is a report from the Secretary of the Commerce, dated January 1, 1861. It is a detailed account of the work of the Department during the year, and it covers a wide range of subjects, including the management of the commerce, the administration of the shipping, and the management of the commercial affairs.

10. The tenth part of the document is a report from the Secretary of the Fish and Game, dated January 1, 1861. It is a detailed account of the work of the Department during the year, and it covers a wide range of subjects, including the management of the fish and game, the administration of the hunting, and the management of the fishing affairs.

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The first part of the document is a letter from the Secretary of the
 Board of Education to the Board of Directors of the
 Board of Education. The letter is dated 1901 and is
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 Education. The letter is signed by the Secretary of the
 Board of Education.

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going, returning, passing, riding, and labouring, and against the peace of our said lord the king. And that the inhabitants of the same parish of ——— in the county aforesaid, the same common highway, so as aforesaid being in decay, ought to repair and amend, when, and so often as it shall be necessary.

Indictment for incroaching upon a highway, by building thereupon.

Westmorland. **T**HE jurors for our lord the king upon their oath present, that one A. O. late of ——— carpenter, the ——— day of ——— in the ——— year ——— with force and arms, at ——— in and upon a common highway, in a certain place commonly called ——— there leading from ——— to ——— by a certain building there, containing in length ——— feet, and in breadth ——— feet, by him the said A. O. erected and built, bath unlawfully and unjustly incroached, and doth yet incroach, and the building aforesaid so as is aforesaid erected and built by him the said A. O. from the aforesaid ——— day of ——— in the year aforesaid, unto the day of exhibiting this information, at ——— aforesaid in the county aforesaid, with force and arms, unlawfully and unjustly bath continued and doth yet continue, by reason whereof the common highway aforesaid hath become and is greatly straitned, so that the lieges and subjects of the said lord the king upon and thro' the same common highway aforesaid, with their horses, carts, and carriages cannot go, pass, ride, and labour as they ought and were wont to do, to the great and common nuisance of all the lieges and subjects of the said lord the king in and through the said common highway going, passing, riding, and labouring, and against the peace of the said lord the king. Trem. 196.

Indictment for inclosing the highway.

Westmorland. **T**HE jurors of our lord the king upon their oath present, That whereas from the time whereof the memory of man is not to the contrary, it was used, that the liege subjects of our said lord the king had and lawfully used a certain common highway at ——— in the said county, in a certain place there called ——— leading from the town of ——— aforesaid, to the town of ——— for themselves and their goods, without any stoppage or hindrance by any ditches, hedges, or other obstacles whatsoever; nevertheless one A. O. of ——— aforesaid, in the county of ——— aforesaid, yeman, on the ——— day of ——— in the ——— year of the reign of ——— with force and arms, at ——— aforesaid, in the county of ——— aforesaid, in the place aforesaid called ——— upon the common highway aforesaid, a certain ditch and quickset hedge did cast up, set, and erect, and the said ditch and quickset hedge so as is aforesaid cast up, set, and

and erected, doth yet continue and keep; to the great stoppage and hindrance of the liege subjects of our said lord the king, passing in and thro' the said common highway, and against the peace of our said lord the king.

Indictment for laying timber or other obstructions in the highway.

THE jurors for our lord the king upon their oath present, that A. O. late of _____ in the county aforesaid, yeoman, on the _____ day of _____ in the _____ year of the reign of _____ and on divers other days and times, as well before as afterwards, with force and arms, at _____ in the said county, in and upon the king's common highway there, leading from _____ unto the town of _____ divers great pieces of timber put and placed and caused to be put and placed, and the same great pieces of timber so as aforesaid put and placed, from the aforesaid _____ day of _____ in the _____ year aforesaid, until the day of exhibiting this information, in and upon the king's common highway aforesaid, to be, lie, and remain, hath permitted, and doth still permit, to the grievous and common nuisance of all the lieges and subjects of the said lord the king, upon and thro' the king's common highway aforesaid going, passing, riding, and travelling, and against the peace of our said lord the king, his crown and dignity. Trem. 197.

Or, — great quantity of dung, and other filth, by reason whereof, divers hurtful and unwholesome smells from the said dung and other filth did then and there arise, and thereby the air there became, was, and is corrupted and infected —

Or, — cart loads of rubbish — by reason whereof the said highway for the whole time aforesaid was straitened and obstructed, so that the liege subjects of our said lord the king could not so freely pass and repass about their lawful business, thro' the said common highway there, as they ought and have been accustomed —

Indictment for stopping up a watercourse, whereby the highway is overflowed.

Westmorland. **T**HE jurors for our lord the king upon their oath present, that A. O. late of the parish of _____ in the county aforesaid, yeoman, on the _____ day of _____ in the _____ year of the reign of _____ with force and arms, at the parish aforesaid, in the county aforesaid, a certain ancient watercourse, adjoining to the king's common highway, within the same parish, leading from the town of _____ in the county aforesaid, towards and unto _____

with

but stopped there as it was too late to continue on the road. The car was left there and the driver went to the house to get some food. The car was left there and the driver went to the house to get some food. The car was left there and the driver went to the house to get some food.

...to the highway

1. The first part of the document is a letter from the President of the United States to the Senate, dated 1790. It is a copy of a letter from the President to the Senate, dated 1790, and is a copy of a letter from the President to the Senate, dated 1790.

the 1990s, the number of people in the world who are undernourished has declined from 1.1 billion to 800 million. The number of people who are malnourished has declined from 1.5 billion to 1 billion. The number of people who are obese has increased from 100 million to 300 million. The number of people who are overweight has increased from 100 million to 300 million. The number of people who are obese and overweight has increased from 100 million to 300 million. The number of people who are obese and overweight has increased from 100 million to 300 million.

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

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with gravel and other materials, unlawfully and injuriously did obstruct and stop up; and the said watercourse, so as aforesaid obstructed and stopped up, from the said _____ day of _____ in the year aforesaid, until the day of the taking of this inquisition, at the parish aforesaid, in the county aforesaid, unlawfully and injuriously hath continued, and still doth continue, by reason whereof the rain and waters that were wont, and ought to flow and pass through the said watercourse, on the same day and year, and divers other days and times afterwards, between that day and the day of the taking of this inquisition, did overflow and remain, in the king's common highway aforesaid, and thereby the same was, and yet is greatly hurt and spoiled, so that the liege subjects of our said lord the king, through the same way, with their horses, coaches, carts, and carriages, then, and on the said other days and times, could not, nor yet can go, return, pass, ride, and labour, as they ought and were wont to do; to the great damage and common nuisance of all the liege subjects of our said lord the king, through the same highway going, returning, passing, riding, and labouring, and against the peace of our said lord the king.

D. Presentment by a justice on his view.

Westmorland. **A**T the general quarter sessions of the peace of our lord the king, held for the county of _____ aforesaid, at _____ in the said county, on Monday the _____ day of _____ in the _____ year of the reign of _____ before _____ esquires, and others their companions, justices of our said lord the king assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, Thomas Carleton, esquire, one of the justices of our said lord the king, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, by virtue of the statute in such case made and provided, upon his own proper knowledge doth present, That from the time whereof the memory of man is not to the contrary, there was, and yet is, a certain common and ancient king's highway, leading from the town of _____ in the county of _____ towards and unto _____ used for all the liege subjects of our said lord the king and his predecessors, with their horses, coaches, carts, and carriages, to go, return, pass, ride, and labour at their will; and that a certain part of the same king's common highway, commonly called _____ situate, lying, and being in the parish of _____ in the same county, containing in length _____ yards, and in breadth _____ feet, on the _____ day of _____ in the _____ year of the reign of _____ and continually afterward, until this present day, at the said parish of _____ in the county aforesaid, was and yet is very ruinous, miry, deep, broken, and in great decay for want of due reparation and amendment of the same, so that the liege subjects of our said lord the king, through the same way, with their horses, coaches, carts, and carriages, could not during the time aforesaid, nor yet can go, return, pass,

past, ride, and labour as they ought and were wont to do, to the great damage and common nuisance of all the liege subjects of our said lord the king, through the same highway going, returning, passing, riding, and labouring, and against the peace of our said lord king; and that the inhabitants of the parish of ——— aforesaid, in the county aforesaid, the common highway aforesaid (so as aforesaid being in decay) ought to repair and amend, when and so often as it shall be necessary. In testimony whereof, the said Thomas Carleton, to these presents hath set his hand and seal, this ——— day of ——— in the year aforesaid.

Highwaymen. See Robbery.

Here endeth the FIRST VOLUME.



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